



NAVAL POSTGRADUATE SCHOOL

MONTEREY, CALIFORNIA

THESIS

**LOST IN TRANSLATION: U.S. FORCES AND CRIME IN
JAPAN**

by

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September 2015

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REPORT DOCUMENTATION PAGE			<i>Form Approved OMB No. 0704-0188</i>	
Public reporting burden for this collection of information is estimated to average 1 hour per response, including the time for reviewing instruction, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Washington headquarters Services, Directorate for Information Operations and Reports, 1215 Jefferson Davis Highway, Suite 1204, Arlington, VA 22202-4302, and to the Office of Management and Budget, Paperwork Reduction Project (0704-0188) Washington, DC 20503.				
1. AGENCY USE ONLY (Leave blank)		2. REPORT DATE September 2015		3. REPORT TYPE AND DATES COVERED Master's thesis
4. TITLE AND SUBTITLE LOST IN TRANSLATION: U.S. FORCES AND CRIME IN JAPAN			5. FUNDING NUMBERS	
6. AUTHOR(S) Robinson, Eric L.				
7. PERFORMING ORGANIZATION NAME(S) AND ADDRESS(ES) Naval Postgraduate School Monterey, CA 93943-5000			8. PERFORMING ORGANIZATION REPORT NUMBER	
9. SPONSORING /MONITORING AGENCY NAME(S) AND ADDRESS(ES) N/A			10. SPONSORING / MONITORING AGENCY REPORT NUMBER	
11. SUPPLEMENTARY NOTES The views expressed in this thesis are those of the author and do not reflect the official policy or position of the Department of Defense or the U.S. Government. IRB Protocol number ____N/A____.				
12a. DISTRIBUTION / AVAILABILITY STATEMENT Approved for public release; distribution is unlimited			12b. DISTRIBUTION CODE A	
13. ABSTRACT (maximum 200 words) This thesis argues that Japanese media disproportionately finds United States Forces Japan (USFJ) military and civilian personnel and their dependents responsible for accidents and crimes. The thesis examines how and why this pattern of reporting occurs. The thesis first introduces the pattern of disproportionate attribution of crime to USFJ and affiliated personnel in Okinawa, then finds that genuine crime rates are low even when compared to already low crime rates in the country. The thesis situates this media over-attribution pattern in a broader, Japanese-wide context of over-attribution of crime to non-Japanese residents. It then discusses further explanatory factors rooted in Okinawa's socioeconomic and political circumstances themselves, including not only the perceived disproportionate hosting burden that Okinawa shoulders for U.S. military bases, but also political and media incentives in Okinawa that lead local political actors to emphasize these burdens without fully challenging or removing them.				
14. SUBJECT TERMS crime, Okinawa, Japan, U.S. Forces, media			15. NUMBER OF PAGES 89	
			16. PRICE CODE	
17. SECURITY CLASSIFICATION OF REPORT Unclassified	18. SECURITY CLASSIFICATION OF THIS PAGE Unclassified	19. SECURITY CLASSIFICATION OF ABSTRACT Unclassified	20. LIMITATION OF ABSTRACT UU	

NSN 7540-01-280-5500

Standard Form 298 (Rev. 2-89)
Prescribed by ANSI Std. Z39-18

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LOST IN TRANSLATION: U.S. FORCES AND CRIME IN JAPAN

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Submitted in partial fulfillment of the
requirements for the degree of

**MASTER OF ARTS IN SECURITY STUDIES
(FAR EAST, SOUTHEAST ASIA, THE PACIFIC)**

from the

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ABSTRACT

This thesis argues that Japanese media disproportionately finds United States Forces Japan (USFJ) military and civilian personnel and their dependents responsible for accidents and crimes. The thesis examines how and why this pattern of reporting occurs.

The thesis first introduces the pattern of disproportionate attribution of crime to USFJ and affiliated personnel in Okinawa, then finds that genuine crime rates are low even when compared to already low crime rates in the country. The thesis situates this media over-attribution pattern in a broader, Japanese-wide context of over-attribution of crime to non-Japanese residents. It then discusses further explanatory factors rooted in Okinawa's socioeconomic and political circumstances themselves, including not only the perceived disproportionate hosting burden that Okinawa shoulders for U.S. military bases, but also political and media incentives in Okinawa that lead local political actors to emphasize these burdens without fully challenging or removing them.

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LIST OF ACRONYMS AND ABBREVIATIONS

III MEF	Third Marine Expeditionary Force
AAFES	Army and Air Force Exchange Service
COMUSJAPAN	Commander, U.S. Forces, Japan
DNA	Deoxyribonucleic acid
DOD	Department of Defense
DPRI	Defense Policy Review Initiative
DUI	Driving Under the Influence
GOJ	Government of Japan
HQ	Headquarters
JAG	Judge Advocate General
JCP	Japanese Communist Party
KTO	Kansai Time Out
MCAS	Marine Corps Air Station
MCBJ	Marine Corps Bases Japan
MCIPAC	Marine Corps Installations Pacific
MOD	Ministry of Defense
MOJ	Ministry of Justice
NPA	National Police Agency
OPG	Okinawa Prefectural Government
OPP	Okinawan Prefectural Police
PRC	People's Republic of China
SACO	Special Action Committee on Okinawa
SCC	Security Consultative Committee
SOFA	Status of Forces Agreement
USFJ	United States Forces Japan
USMC	United States Marine Corps
USJSCC	U.S.–Japan Security Consultative Committee
U.S.	United States

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ACKNOWLEDGMENTS

I would like to express my gratitude to the professors in the Department of National Security Affairs, all of whom encouraged me to dig deeper, question everything and challenge conventional wisdom during my studies at the Naval Postgraduate School in Monterey, California.

Thanks to my thesis advisor, Dr. Robert Weiner, for his encouragement, guidance, and patience in the completion of this work and for providing me with great discussion, debate, and a much deeper understanding of Japan; my second reader, Dr. Alice Miller, for her wholehearted eagerness in providing me and my fellow classmates with such an outstanding breadth of knowledge of Asian affairs (especially all things China) and great “Questions?” slides during class; Dr. Wade Huntley for his invaluable insights and helping me to understand the methodological approaches required to better understand the broader dynamics and implications relating to Northeast Asian security; and last, but not least, to Dr. Robert Looney, for making economics and economic theory challenging, applicable to NPS ‘students’ mission, and more importantly, fun.

I would also like to express my deepest gratitude to my wife, Yukiko, for her patience, dedication, support, and additional Japanese references, and to my sons, Sho, Ryu, and U.S. Marine Corps 1st Lieutenant Eric S. Robinson, for being three of my greatest blessings and motivators in my life.

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I. INTRODUCTION

This thesis argues that Japanese media, protest groups on mainland Japan and the island of Okinawa, and certain government organizations disproportionately find United States Forces Japan (USFJ) military and civilian personnel and their dependents responsible for accidents and crimes. The thesis examines how and why this pattern of reporting occurs and explores the potential negative effect on the U.S.–Japan relationship.

This topic is important to both American and Japanese interests. The U.S.–Japan security alliance is considered the cornerstone of peace and security in the Asia-Pacific region, and the Asia-Pacific region is in turn increasingly crucial to U.S. interests in general.

The United States has shifted its focus from protracted engagements in Iraq and Afghanistan toward more geostrategic global regions. One such region is Asia, where America has pivoted toward using strategic, diplomatic and economic components to advance American interests backed by a strong forward deployment of U.S. military personnel in that area to rapidly respond to both regional and global military and humanitarian crises as required. As noted in a Foreign Policy article:

The Obama administration's overall posture toward Asia has in fact evolved considerably over the course of the past couple of years. President Obama laid out the result in its fullest form last month, as he traveled to Honolulu, Australia, and Indonesia for a series of major meetings. The message of this remarkable trip warrants careful examination, as it articulated an integrated diplomatic, military, and economic strategy that stretches from the Indian subcontinent through Northeast Asia—and one that can profoundly shape the U.S.–China relationship. The core message: America is going to play a leadership role in Asia for decades to come.¹

¹ Kenneth Lieberthal, "The American Pivot to Asia," Foreign Policy, December 21, 2011 http://www.foreignpolicy.com/articles/2011/12/21/the_american_pivot_to_asia?page=0,1.

Historically, America has maintained a prolonged interest in East and Southeast Asia that primarily consisted of establishing regional military and economic allies to meet U.S. strategic and economic needs and goals. The U.S. policies and priorities for the Asian region have shifted since World War II, and its influence in the region has waned due to various financial crises, the 9/11 terrorist attack, conflicts in Iraq and Afghanistan, and the economic rise and military modernization of China, whose increasing stature is of major concern for the United States. Other important components for the shift in American policy in the region and a cause for change in the U.S.–Japan security alliance are accidents and crimes committed by USFJ military and civilian personnel, the premise of this thesis.

Both the United States and Japan share a common vision of a stable regional order. This vision was reconfirmed at the conclusion of the U.S.–Japan Security Consultative Committee (USJSCC) meeting attended by U.S. Secretary of State Hillary Clinton, U.S. Secretary of Defense William Gates, Japanese Foreign Minister Takeaki Matsumoto and Japanese Defense Minister Toshimi Kitazawa on June 21, 2011, when the following joint statement on the U.S.–Japan Security Alliance was issued:

The Government of the United States reaffirmed its commitment to the defense of Japan and the peace and security of the region, including through the full range of U.S. military capabilities, both nuclear and conventional. The Government of Japan reaffirmed its commitment to provide for the stable use of facilities and areas by U.S. forces and to support the smooth operation of those forces through the provision of Host Nation Support. The two sides welcomed the successful conclusion of a new agreement on Host Nation Support as described in the SCC document, “Host Nation Support,” issued in the SCC meeting today.²

² Stephen Harner, “Reflections on the U.S.–Japan Security Alliance.” *Forbes.com*, June 30, 2011, <http://www.forbes.com/sites/stephenharner/2011/06/30/reflections-on-the-u-s-japan-security-alliance/>.

The recommitment that the United States and Japan have pledged to one another through the USJSCC is dependent upon the forward-deployment of U.S. military forces in Asia. The bulk of these forces are now based on the island of Okinawa, which serves as a strategic point for the USFJ's mission to preserve regional security and stability.

Despite this recommitment to the defense of Japan, and Japan's interest in "normalizing" by expanding the roles and capabilities of its Self-Defense Forces, the United States finds itself hampered by a seemingly unsolvable issue, the burden of Okinawa, commonly known as the "Okinawa Mondai" (Okinawa problem) in Japanese. This burden remains not only because of recurring crimes and accidents committed by the USFJ personnel, but also as a direct result of exaggerated reporting by portions of the Japanese media, particularly on the island of Okinawa, which sways public opinion and further exasperates and alienates the local populace.

This commitment is often tested, though, when accidents and crimes, no matter how minor, by USFJ personnel occur, especially on Okinawa. Reporting of USFJ incidents creates the need to reinterpret, discuss, and reevaluate preventive measures to deter such incidents in the future. This thesis argues, though, that the notion that USFJ personnel commit a disproportionate amount of crime is flawed. Reporting of USFJ incidents thus also creates a need to confront reporting inaccuracies that might paint an inaccurately negative picture of the U.S. military in Japan. The perception of disproportionate USFJ crime and accidents hinders the United States' efforts to propose and implement practical solutions toward sustaining one of America's most valuable and strategic alliances in Asia. It is hoped that thesis' findings might aid USFJ commanders and U.S. policymakers in formulating better-informed responses and policies relating to USFJ incidents, toward the end of improving local community relations and the U.S.–Japan partnership overall.

The thesis contributes to current scholarly research and builds upon three earlier NPS theses. The first, "The Evolution of Japan's Constitution and

Implications for U.S. Forces on Okinawa,” by Giuseppe A. Stavale, offers practical solutions to address the myriad of issues facing the USFJ.³ The second, “Comparative Study of Base Community Relations in Japan,” by Jonathan M. Volkle, argues that “The level of tension surrounding a given base is determined less by major crimes that get the most academic and media attention, but rather by pacifist politics and aircraft noise.”⁴

The third, “The Effects of Pacifist Norms of the Japanese Justice System,” by Andrea J. Zenn, examines the “system of contradictions” in Japan through which low-crime rates have come under scrutiny due to claims of falsification, underreporting of crimes and reporting procedures.⁵

Stavale describes how the OPG undermines the orderly disposition of suspected or actual lawbreakers protected by the U.S.–Japan Status of Forces Agreement (SOFA), only later to exploit the situation and play on the emotions of the local citizens. The lack of fair and objective reporting by interest groups, some politicians and the media perpetrates the often-negative stereotype of the “dangerous foreigner.” On the other hand, Volkle argues that:

However, little effort has been expended on an actual attempt to get an objective measurement of the level of tension. Without an accurate assessment of the actual level of tension surrounding a given facility, it is impossible for policy makers, military officials and public affairs professionals to understand whether or not given measure are having any effect.⁶

Volkle also examines the “normally associated ‘causes’ for base tensions⁷ (petty and violent crime, incidents of drunken driving,)” which actually have an effect on base tensions. Zenn examines “how effective the Japanese justice

3 Giuseppe A. Stavale, “The Evolution of Japan’s Constitution and Implications for U.S. Forces on Okinawa” (master’s thesis, Naval Postgraduate School, 2004).

4 Jonathan Volkle, “Comparative Study of Base Community Relations in Japan” (master’s thesis, Naval Postgraduate School, 2012).

5 Andrea J. Zenn, “The Effects of Pacifist Norms of the Japanese Justice System” (master’s thesis, Naval Postgraduate School, 2012).

6 Volkle, “Base Community Relations in Japan,” 2.

7 Ibid., 10.

system has been in responding to these new crime trends and whether or not the reliance on pacifist norms have debilitated the country's ability to maintain law and order.”⁸

By examining scholarly works, blogs, the three aforementioned NPS theses and other published works, and then analyzing the author's findings with available MOJ, OPP and USFJ crime data, this thesis will not only build upon previously published literature, but also create a clearer picture of the difficulties facing the USFJ.⁹ The examination of various sources supports the contention that USFJ personnel do not commit a disproportionate amount of crime and that Japanese media reports and official statistics are often misleading.

Following Chapter I's introductory material, Chapter II introduces the pattern of disproportionate attribution of crime to USFJ and other SOFA-covered personnel in Okinawa. It acknowledges that such crime does, of course, occur in Okinawa, but establishes more genuine crime rates and their comparatively low levels when juxtaposed even with the otherwise comparative low crime rates of Japan. Chapter III situates this pattern in a broader, nationwide context of media over-attribution of crime to non-Japanese residents. Chapter IV then discusses further explanatory factors rooted in Okinawa's socioeconomic and political circumstances themselves, including not only the perceived disproportionate hosting burden that Okinawa shoulders for U.S. bases, but also a dynamic in which institutional incentives exist in Okinawa to emphasize but not fully remove

⁸ Zenn, *The Effects of Pacifist Norms of the Japanese Justice System*, 1.

⁹ To a lesser extent, this thesis also draws upon the author's experiences as a U.S. Marine stationed at Marine Corps Air Station (MCAS) Futenma during the early 1980s and later, during the mid-1980s and early-1990s, as an Interrogator-Translator (Korean and Japanese languages) based at Camp Hansen, MCAS Futenma, and Camp Hansen which both served as backdrops for some of the largest base protests on Okinawa, Japan. Being stationed at both bases and experiencing demonstrations, curfews and the negative press that often outweighed the positive things that accomplished by U.S. Marines, sparked interest in this topic.

these burdens. Chapter V concludes, and includes recommendations to help change the perception that USFJ personnel commit a greater amount of crime, with the expectation that, ultimately, existing fears, tensions or negative beliefs about USFJ personnel will be lessened or, better yet, eradicated. A change in mindset is one of the most important requirements for solving the Okinawa Mondai and improving the U.S.–Japan alliance.

II. USFJ CRIME IN OKINAWA—FACT AND FICTION

A. THE USFJ AND SOFA

The aim of this thesis is to determine whether the criminal cases chosen or presented by the Japanese media or official Japanese sources present a fair and balanced portrayal of the USFJ personnel and a factual report of attributed incidents. Unfortunately, USFJ military, civilians and their family members commit non-penal and penal offenses during on-duty and off-duty hours. Are methods used to examine the accidents and crimes correct?

The USFJ introduces its basic history and current composition as follows:

Originally established at Fuchu Air Station on July 1, 1957, USFJ, with its U.S. Army, U.S Marine Corps, U.S Navy, and U.S Air Force elements, consists of approximately 38,000 military personnel, 43,000 dependents, 5,000 DOD civilian employees, and 25,000 Japanese workers. U.S. forces are stationed in Japan pursuant to the U.S.–Japan Treaty of Mutual Cooperation and Security of 1960.

Headquarters U.S. Forces Japan is located at Yokota Air Base. Approximately 160 military, DOD civilians, and Japanese national employees comprise the Commander, U.S. Forces, Japan's, (COMUSJAPAN) joint staff. The joint staff administers unilateral and bilateral defense issues. HQ USFJ focuses on war planning, conduct of joint/bilateral exercises and studies, administering the Status of Forces Agreement, improving combat readiness, and enhancing the quality of life of military and DOD civilian personnel and their dependents.¹⁰

Meanwhile, the Treaty of Mutual Cooperation and Security between the United States of America and Japan was signed in Washington, DC, on January 19, 1960.¹¹ This agreement commonly referred to as the Status of Forces Agreement or SOFA, consists of 28 articles. Article XVII of the SOFA states:

¹⁰ *U.S. Forces Japan*, "About U.S. Forces Japan," accessed July 11, 2013, <http://www.usfj.mil/>.

¹¹ *Japan Ministry of Foreign Affairs* "Japan-U.S. Security Treaty," accessed August 3, 2012, <http://www.mofa.go.jp/region/n-america/us/q&a/ref/1.html>.

1. Subject to the provisions of this Article, the military authorities of the United States shall have the right to exercise within Japan all criminal and disciplinary jurisdiction conferred on them by the law of the United States over all persons subject to the military law of the United States; the authorities of Japan shall have jurisdiction over the members of the United States armed forces, the civilian component, and their dependents with respect to offenses committed within the territory of Japan and punishable by the law of Japan.

2. The military authorities of the United States shall have the right to exercise exclusive jurisdiction over persons subject to the military law of the United States with respect to offenses, including offenses relating to its security, punishable by the law of the United States, but not by the law of Japan.¹²

B. SOFA-RELATED INCIDENTS AND IMPACTS

USFJ SOFA-status personnel do sometimes commit crimes on Okinawa and in Japan more broadly. It is extremely important to note that any incident committed by USFJ SOFA-status personnel, especially U.S. Marines, is one too many. In some cases, these crimes have been serious enough, and/or the public outcry in the immediate locality has been strong enough, that the incidents have become reported and decried nationwide. Some of the more publicized criminal cases in the Japanese media and English-language press include:

- 1995: the gang rape of a twelve-year old, sixth-grade Japanese school girl by a sailor and two Marines stationed at Camp Hansen¹³
- 2006: the robbing and beating death of a 56-year-old woman by a Yokosuka Naval Base sailor¹⁴
- 2008: the stabbing death of a taxi driver by a Yokosuka NB sailor¹⁵

¹² Japan Ministry of Foreign Affairs (MOFA) website, accessed September 20, 2015, <http://www.mofa.go.jp/mofaj/area/usa/sfa/pdfs/fulltext.pdf>.

¹³ "Americans Charged In Rape in Okinawa," *The New York Times Times*, September 29, 1995, <http://www.nytimes.com/1995/09/29/world/americans-charged-in-rape-in-okinawa.html>.

¹⁴ "Kitty Hawk sailor connected to fatal beating is in Japanese hands," *Stars and Stripes*, January 9, 2006, <http://www.stripes.com/news/kitty-hawk-sailor-connected-to-fatal-beating-is-in-japanese-hands-1.43351>.

¹⁵ Mari Yamaguchi, "US Sailor Arrested in Cab Driver Death," *USA Today*, April 3, 2008, http://usatoday30.usatoday.com/news/world/2008-04-03-5778350_x.htm.

- 2008: the death of a 17-year-old Kadena Air Base Kubasaki H.S. student resulting from DUI 20-year old USFJ dependent¹⁶
- 2009: the hit-and-run death of a 66-year-old in Okinawa¹⁷
- 2011: the vehicular manslaughter of a 19-year-old Okinawan male by 24-year-old Army and Air Force Exchange Service (AAFES) employee,¹⁸ and
- 2012: the rape and robbery of a 20-year-old Okinawan by a sailor.¹⁹

Such incidents, alongside less widely-reported ones, have a significant impact on political conflict surrounding U.S. military bases and on the broader U.S.–Japan alliance. Accidents and crimes committed by USFJ personnel protected under the SOFA typically hamper efforts to win local support and further strengthen the call for revising the SOFA and removing U.S. military personnel and installations from Japan.

The shocking and heinous incident crimes of kidnapping and gang rape of a twelve-year-old Okinawan girl by a sailor and two Marines stationed at Camp Hansen in Okinawa in 1995 were arguably the most impactful of all. The incident came as “a shock like a typhoon,”²⁰ according to Joseph Nye, former U.S. Assistant Secretary of Defense for International Security Affairs. The OPG lobbied the GOJ to revise the U.S.–Japan SOFA on November 4, 1995 “to ensure both the stability of Okinawan lives and regional development.”²¹ Due to

16 Travis Tritten, *Stars and Stripes*, “Former Okinawa Dependent Charged in Fatal 2008 Accident,” July 23, 2012, <http://www.stripes.com/news/pacific/okinawa/former-okinawa-dependent-charged-in-fatal-2008-accident-1.183718>.

17 David Allen and Chiyomi Sumida *Stars and Stripes*, “U.S. soldier sentenced to Japanese jail for hit-and-run on Okinawa,” October 15, 2010, <http://www.stripes.com/news/u-s-soldier-sentenced-to-japanese-jail-for-hit-and-run-on-okinawa-1.121907>.

18 Travis Tritten and Chiyomi Sumida, *Stars and Stripes*, “AAFES employee in Japan pleads guilty to vehicular manslaughter,” January 23, 2012, <http://www.stripes.com/news/pacific/japan/aafes-employee-in-japan-pleads-guilty-to-vehicular-manslaughter-1.166592>.

19 USA Today, “U.S. Navy sailors convicted in Okinawa rape,” March 1, 2013, <http://www.usatoday.com/story/news/nation/2013/03/01/us-navy-sailors-okinawa-rape/1955873/>.

20. Yoichi Funabashi, *Alliance Adrift* (New York, NY: Council on Foreign Relations Press), 1999.

21 The Cosmopolitan City Formation Concept, Okinawa Prefectural Government, November, 1996.

the social and political impact of the 1995 gang rape, the United States agreed to hand USFJ suspects over to the Japanese before an indictment (sympathetic consideration) since the alleged criminal act was severe or heinous in nature.

Additionally, protests over the gang rape also led to the creation of the SACO (Special Action Committee on Okinawa) in 1996 and a U.S.–Japan bilateral agreement stipulating the return of 21 percent of the land allocated for USFJ installations on Okinawa. The MCAS Futenma land transfer and planned relocation to facilities yet to be constructed, for example, is part of a broader plan to reassign close to 8,000 Marines to Guam. Although the U.S.–Japan plan is considered a positive step in lessening the burden on Okinawa, the economic impact that a reduced U.S. military presence may bring looms.

Former-Director of Security Affairs at the U.S. Embassy in Japan, Kevin Maher, stated: “It is not a matter of the military, but of an individual,” when commenting about the rape, but this view is countered, as expressed by Secretary General Seigen Nagayoshi of the Okinawa Human Rights Association, by the fact that “many in Okinawa view crime as a structural problem of the U.S. military. Even if strict discipline is enforced, crimes will continue unless the bases are eliminated. Having coexisted with the U.S. bases for more than 50 years, some landowners and several other Okinawans see the presence of U.S. troops as a necessary evil.”²²

There is also a more immediate financial impact. Making restitution or *jidan*, is an essential factor for a prosecutor in Japan to decide whether or not to institute charges against an individual, according to a *Naval Law Review* article on the U.S.—Japan SOFA.²³ *Jidan*, the cultural practice of making monetary compensation to victims of crime in Japan, occurs when a suspect or suspects pay a victim or the victim’s family to settle the crime out of court. Settling out of

²² *Christian Science Monitor*, “In Okinawa, ‘Yankee, Go Home?’” August 29, 1996, [http://www.csmonitor.com/1996/0829/082996.intl.intl.4.html/\(page\)/2](http://www.csmonitor.com/1996/0829/082996.intl.intl.4.html/(page)/2).

²³ Timothy D. Stone, JAGC, USN, “US-Japan SOFA: A Necessary Document Worth Preserving,” *Naval Law Review*, Volume 53, 2006 (accessed September 4, 2015), handle.dtic.mil/100.2/ADA477368.

court is often the offender's first priority. In Japan, as further stated by the article, "confession and restitution are used to show remorse and the rehabilitative potential of the suspect prior to conviction, and in most cases, prior to the initiation of charges."²⁴

According to Mizuho Aoki of *Japan Times*,²⁵ between fiscal year 2004 and 2013, the Japanese Ministry of Defense (MOD) reported 9,962 accidents and crimes committed by SOFA members. 48 percent of those incidents occurred on Okinawa. 21.5 percent (2,138 cases) of the 9,962 incidents were committed during on-duty hours and 78.5 percent (7,824 cases) were committed while the SOFA member was in a non-duty status.

Under the terms of the SOFA, the GOJ is obligated to cover 25 percent of the compensation awarded to victims of incidents caused while a SOFA member is in an official duty status, even if the host nation played no role in the accident. The GOJ pays 50 percent in cases where both Japan and the United States share responsibility. Japan does not cover compensation for crimes and accidents that take place while a service member is in a non-duty status.

Over the past decade, approximately 2.03 billion yen was paid in compensation to victims of accidents caused by U.S. military personnel and civilians protected under the SOFA. 74 percent or 1.5 billion yen was paid in compensation for on-duty accidents in which the GOJ was responsible to cover about 380 million yen. The GOJ did not pay compensation for such crimes as rape and robbery committed by SOFA members, according to the MOD.

²⁴ Ibid., 240

²⁵ Mizuho Aoki, "Japan paid ¥380 million in compensation for accidents by U.S. military personnel," *Japan Times*, August 14, 2015,, <http://www.japantimes.co.jp/news/2014/08/13/national/japan-paid-%C2%A5380-million-past-decade-compensation-accidents-caused-u-s-military-personnel/#.VenZynbn-Uk>.

C. THE SCALE OF SOFA-RELATED CRIME

Despite the understandable notoriety of certain severe and politically significant crimes, though, SOFA-related crime is comparatively low in Okinawa. This is true even when the comparison is to Japanese crime rates that are themselves low by international standards.

Okinawa is home to approximately 75 percent of USFJ facilities. There was a population of 1.37 million people in 2006, of which 6,808 were non-SOFA status foreign residents. According to Hassett, 4,188 people were arrested for penal code offenses and 605 arrested for special law violations.²⁶ Of that group, 44 non-SOFA foreigners were arrested for penal code offenses and an estimated 22 for special law violations. This equates to an arrest rate of 0.342 percent for Okinawa.²⁷ Meanwhile, among the 42,570 USFJ SOFA-covered individuals in Okinawa, there were 63 SOFA personnel arrested for penal code offenses and approximately 11 arrested for special law violations (Hassett reported that on-base arrest data was not released). This represents a 0.174 percent arrest rate of USFJ individuals, or nearly half the rate of Japanese arrested in Okinawa (0.342) and the whole of Japan (0.351). Perhaps most important, “There were zero arrests in Japan of SOFA-sponsored personnel for rape or sexual assault during 2006 versus an average of 16 Japanese arrested daily for rape (1,094 persons) and sexual offenses (4,733).”²⁸

Similarly, according to the National Policy Agency's (NPA's) annual criminal statistics released on February 12, 2008, which included incidents on Okinawa Prefecture, male USFJ personnel committed 53 crimes per 10,000 USFJ personnel as compared to the Okinawan male's 366 crimes committed per

²⁶ Ibid.

²⁷ Ibid.

²⁸ Michael Hassett, “U.S. Military Crime—SOFA so good?” *Japan Times*, February 26, 2008, <http://www.japantimes.co.jp/text/fl20080226zg.html>.

10,000.²⁹ This represents a USFJ crime rate only 14 percent as large as the Okinawan rate.

In 2009, 8,090 cases of rape and indecent assault were reported to the NPA. The results of a study by the Japan Peace Committee reported that the indictment rate for crimes, not including vehicular manslaughter, committed by USFJ members in Okinawa was 16.2 percent in 2010.³⁰ The national rate in Japan was 42 percent for the year-ending 2010, as reported in the *Ryukyu Shimpō*.³¹ The indictment rate for SOFA personnel committing “ordinary criminal offenses” or crimes that exclude negligent driving resulting in injury or death for 2011 in Japan was 13.3 percent. For Okinawa, the prosecution rate was 22 percent.

For a more comprehensive look, Figure 1 provides 20 years of SOFA crime statistics involving Okinawa-based SOFA personnel as reported by the U.S. Marine Corps Staff Judge Advocate (SJA) in Okinawa. The data provided by the SJA reflect Okinawan Prefectural Police (OPP) crime data and other information published by the OPP and is available via its website.³²

29 “在日米軍・沖縄駐留米軍の犯罪率を考える—駄犬日誌,” May 3, 2010, <http://d.hatena.ne.jp/reservoir/20080214/1202958732>.

30 Mark Ealey, trans., *Ryukyu Shimpō*, “Low indictment rate for crimes involving U.S. military personnel in Okinawa,” August 13, 2011, <http://english.ryukyushimpō.jp/2011/08/24/2472/>.

31 *Ryukyu Shimpō*, “Prosecution rate for USFJ personnel’s crime only 13%,” December 1, 2008, 1.

32 Okinawa Prefectural Police “U.S. military members, and the like, and general foreign arrest situation,” May 24, 2014, <http://www.police.pref.okinawa.jp/docs/2015031700025/>.

OKINAWA SOFA PERSONNEL OFF BASE CASES/DEFENDANTS (AVERAGE 1990-2010)						
	1990 - 2010 (20 YEARS)					
	MILITARY		CIV/DEP		ALL SOFA	
	Cases	Defendants	Cases	Defendants	Cases	Defendants
Felony	67	96	18	35	85	131
Violent	114	123	47	51	161	174
Larceny	407	365	457	350	864	715
Intellectual	68	45	19	14	87	59
Moral	27	26	9	9	36	35
Other	280	260	36	47	316	307
TOTAL	963	915	586	506	1549	1421
AVG /YR	45	43	27	24	73	67

These numbers include all Okinawa SOFA personnel, not just MCIPAC/III MEF

Average number of Cases / year = 73
Average number of Defendants/year = 67
Offenses – High (163) in 1993; Low (38) in 1998
Defendants – High (133) in 2003; Low (33) in 1996

Figure 1. Okinawa SOFA Personnel Off-Base Cases/Defendants (Average 1990–2010) (from III MEF SJA, 2011)

As shown in Figure 1, the average SOFA annual criminal defendant rate in Okinawa is 67 defendants, representing all branches of service, in 73 cases tried per year based on a twenty-year span of data for the period of 1990–2010. USFJ civilians comprised 35.5 percent of all defendants and USFJ military personnel comprised the remaining 64.2 percent of defendants during the period shown.

Figure 2 shows a 1.0 percent increase in the number of opened cases Okinawa-wide, but a 6.8 percent decrease in the number of defendants and a 3.7 percent drop in reported penal code violations from 2010 to 2011. On average there were 323 defendants represented in 422 penal-code cases resulting from 1,034 reported Okinawa-wide crimes monthly during the 2011 timeframe. Felonies and violent crimes dropped 28.8 percent and 20.9 percent, respectively, during the period.

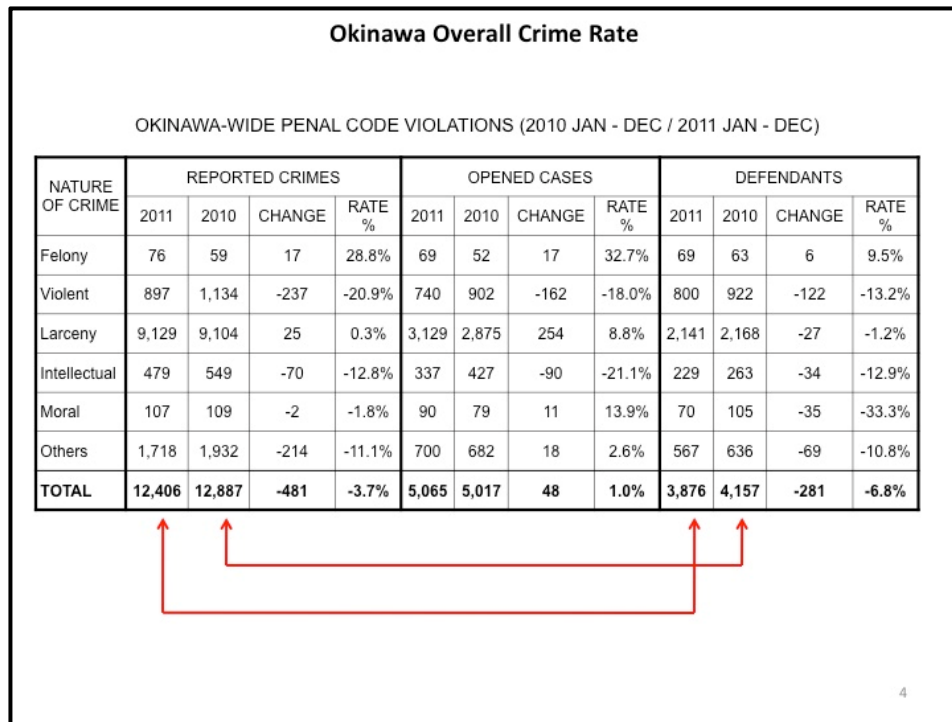


Figure 2. Okinawa Overall Crime Rate (2010 and 2011)
(from III MEF SJA, 2011)

The “Injury through Negligence” falls under the “Other” category and does not include traffic offenses or drug offenses. Additionally, according to the Office of the SJA, “this chart shows a negative correlation between active patrols and actual crime rate. As patrols increase, the number of arrests actually decreases due to general deterrence. Conversely, as patrols decrease, the number of arrests increases because persons are more likely to commit offenses when no police are walking the beat,”³³ according to Okinawa SOFA Crime Stats 2011 presentation material provided by the III MEF SJA.

According to data from the OPP, shown in Figure 3, Okinawans accounted for 98.7 percent of the defendants who committed penal code violations in 2011. When compared to the total population of Okinawa, the percentage of people committing crimes is relatively low, at 0.27 percent, or 3,876 persons out of a

³³ Unpublished Okinawa SOFA Crime Stats 2011 presentation materials, SJA, USMC, Okinawa, Japan.

population of 1,404,878. Of that, 51 USFJ SOFA-sponsored defendants made up of military, civilian employees and contractors committed 1.30 percent of the 0.27 percent of the Okinawa-wide crimes.

SOFA Member % of Overall Okinawa Crime Rate (Using OPP Numbers) 2010 Jan-Dec / 2011 Jan-Dec								
DEFENDANTS OF PENAL CODE VIOLATIONS								
NATURE OF CRIME	JAN – DEC 2010				JAN – DEC 2011			
	OKINAWA- WIDE	SOFA only	% by SOFA	% by OKINAWANS	OKINAWA- WIDE	SOFA only	% by SOFA	% by OKINAWANS
Felony	63	5	7.35%	92.65%	69	6	8.00%	92.00%
Violent	922	9	0.97%	99.03%	800	3	0.37%	99.63%
Larceny	2,168	31	1.41%	98.59%	2,141	16	0.74%	99.26%
Intellectual	263	4	1.50%	98.50%	229	0	0.00%	100.00%
Moral	105	2	1.87%	98.13%	70	0	0.00%	100.00%
Others	636	20	3.05%	96.95%	567	26	4.38%	95.62%
TOTAL	4,157	71	1.68%	98.32%	3,876	51	1.30%	98.70%

Felony Crime: Murder, Robbery, Arson, Rape
Violent Crime: Assault, Aggravated Assault, Intimidation, Extortion
Larceny Crime: Larceny
Intellectual Crime: Counterfeit Money, Fraud, Failure To Just Pay Debt (e.g., taxi fare), etc.
Moral Crime: Public Indecency, Obscenity by Compulsion (Aggravated Sexual Contact) etc.
Others: Trespassing, Damage to Private Property, Obstructing the Performance of Official Duty, Injury through Negligence (e.g., dog bite), etc.

*Includes members from all services and civilians

Figure 3. SOFA Member Percentage of Overall Okinawa Crime Rate (2010 and 2011) (from III MEF SJA, 2011)

Overall, in 2011, there were 281 fewer penal code violations committed Okinawa-wide and 20 fewer SOFA-sponsored personnel charged with penal code crimes than the year prior. Key changes were a 67 percent decrease in the number of defendants for violent crimes and a 48.3 percent decrease in larcenies.

As shown in Figure 4, in the three-year span of 2009–2011, the number of Marine Corps Installations Pacific (MCIPAC) and the Third Marine Expeditionary Force (III MEF) off-base defendants dropped 55.3 percent from 53 to 29 persons.

MCIPAC/III MEF OFF BASE DEFENDANTS 1 JAN – 31 DEC									
	2009			2010			2011		
	Mil	Civ	Dep	Mil	Civ	Dep	Mil	Civ	Dep
Felony	1	0	0	1	0	0	1	0	0
Violent	12	1	0	9	1	0	2	0	0
Larceny	9	0	2	19	1	7	6	0	6
Intellectual	2	0	1	1	0	1	0	0	0
Moral	0	0	0	0	0	0	0	0	0
Others	24	0	1	12	0	0	12	1	1
TOTAL	48	1	4	42	2	8	21	1	7
	53			52			29		

Felony Crime: Murder, Robbery, Arson, Rape
Violent Crime: Assault, Aggravated Assault, Intimidation, Extortion
Larceny Crime: Larceny
Intellectual Crime: Counterfeit Money, Fraud, Failure To Just Pay Debt (e.g., taxi fare), etc.
Moral Crime: Public Indecency, Obscenity by Compulsion (Aggravated Sexual Contact) etc.
Others: Trespassing, Damage to Private Property, Obstructing the Performance of Official Duty, Injury through Negligence (e.g. dog bite), etc.

Figure 4. MCIPAC/III MEF Off Base Defendants (2009–2011)
(from III MEF SJA, 2011)

The most significant statistics are a significant decrease in violent crimes committed by USFJ military personnel when comparing 2011 to 2009 data and almost triple the number of larcenies committed in 2010 as compared to 2009. The number of larcenies subsided in 2011 to 12 larcenies committed, one more than the 2009 figure. Prior to November 23, 2010, the number of larcenies committed by U.S. Marine Corps personnel in Okinawa stood at 11. The increase in larcenies is attributed to one incident involving seven lower-enlisted Marines who allegedly took 8,757-yen worth of goods (a hair dryer, a towel, an electronic pot, a table lamp, and two pairs of slippers) from a Naha hotel in Okinawa, according to information presented by the SJA.

In the category of traffic accidents, overall in Japan (Figure 5), according to National Police Agency's *Crime in Japan 2010 Annual Report*, there were 725,773 traffic accidents, with 896,208 persons being injured and 4,863 deaths, of which 287 were due to drunk drivers.

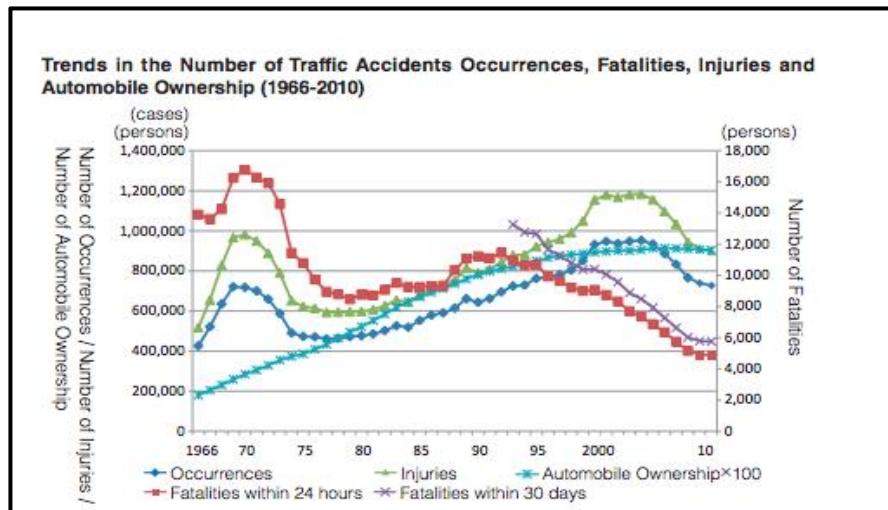


Figure 5. Trends in the Number of Traffic Accidents Occurrences, Fatalities, Injuries and Automobile Ownership (1966–2010) (from III MEF SJA, 2011)

When comparing the U.S. Marine Corps III MEF/MCIPAC statistics for the year 2010 (Figure 6) to the NPA's 2010 annual report, there were 197 traffic related incidents in which 98 were instances of drivers charged with “negligent driving with injury.” Forty-three III MEF/MCIPAC members were cited for speeding in 2010 as compared to 2,368,222 persons nationwide.

III MEF/MCIPAC OFF BASE OFFENSES 01 JAN TO 31 DEC (Penal and Non-Penal Code Offenses)									
	2009			2010			2011		
	Mil	Civ	Dep	Mil	Civ	Dep	Mil	Civ	Dep
Felony	1	0	0	1	0	0	1	0	0
Violent	12	1	0	9	1	0	2	0	0
Larceny	9	0	2	19	1	7	6	0	6
Intellectual	2	0	1	1	0	1	0	0	0
Moral	0	0	0	0	0	0	0	0	0
Other	24	0	1	12	0	0	12	1	1
DRUGS	8	0	4	2	0	2	1	0	0
HIT & RUN	2	0	0	8	0	1	5	0	1
DUI	36	3	3	36	6	5	40	2	6
NEG. DRIV. W/ INJURY	68	11	22	63	12	23	50	12	24
SPEEDING	49	7	11	33	7	3	46	3	12
TOTAL	211	22	44	185	27	42	163	18	50
	277			254			231		
				-8.30%			-9.06%		

Figure 6. III MEF/MCIPAC Off-Base Penal and Non-Penal Code Offenses (2009–2011) (from III MEF SJA, 2011)

Forty-seven III MEF/MCIPAC members were charged with Driving Under the Influence (DUI) as compared to 848 persons charged with drunken driving and 38,925 charged with DUI Japan-wide. Since the U.S. Marine Corps, as well its sister services, takes a zero tolerance policy on drinking and driving, the III MEF/MCIPAC rate of traffic incidents remains extremely low.

Figure 7 shows the proportional calculations of defendants under SOFA and the local national population in Okinawa for the years 2010 and 2011. SOFA-status crime was compared with the local population from the macro-level to the micro-level.³⁴

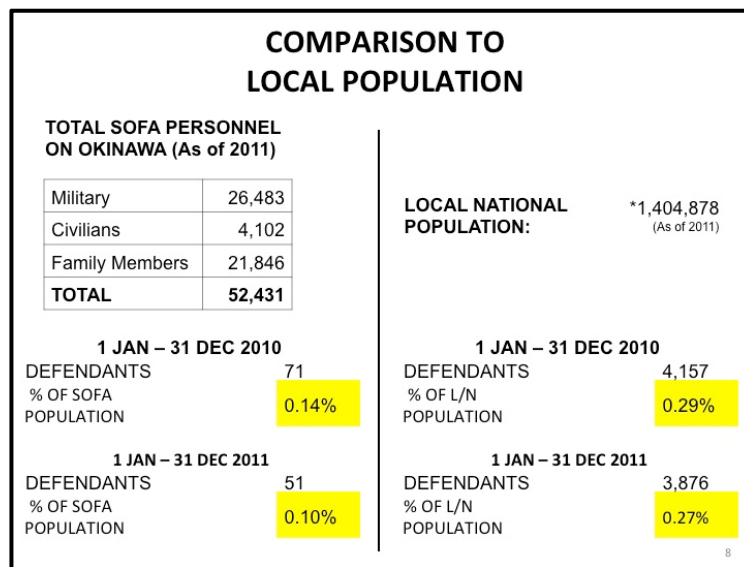


Figure 7. Comparison to Local Population (2010 and 2011)
(from III MEF SJA, 2011)

At the time of calculation (FY-11, Q1), SOFA personnel comprised approximately 3.5 percent of the population of Okinawa, which represents a minimal 1.3 percent of all defendants. These defendants represented less than

³⁴ The USFJ Okinawa Area Field Office provided the total SOFA personnel strength, which reflects the first quarter of fiscal year 2011 (FY11, Q1). Military and dependent strength figures were provided to the SJA by the III MEF Public Affairs Office and the civilian strength obtained from the Civilian Human Resource Office, Marine Corps Base Camp Butler, Okinawa, Japan. The Okinawa local population figures are derived from 2011 census data. Okinawa local percentages were obtained by dividing the total number of defendants by total population and then multiplying by a hundred.

0.5 percent of the overall 0.27 percent of local nationals who were charged in penal and non-penal cases in Okinawa.

Additionally, 0.102 percent of the total SOFA population were defendants during this timeframe, and overall, to further emphasize the point that USFJ personnel do not commit a disproportionate amount of crime in Japan, particularly on Okinawa, SOFA defendants totaled 0.005 percent of total Okinawan population according to data provided by the SJA, as was shown in Figure 7. Therefore, comparisons between the III MEF/MCIPAC defendant rate and that of the local population seem to support the idea that U.S. Marine Corps service members, civilians and their dependents do not commit a disproportionate amount of crime.

In looking at the number of SOFA personnel accused of crimes on Okinawa as reported during the first quarter of 2015, *Stars and Stripes* reported that “U.S. service members, family members and civilian workers accused of committing crimes on Okinawa dropped to the lowest level since 1972.”³⁵ 27 SOFA members were arrested out of a prefecture-wide total of 3,410 in 2014. There were 38 SOFA personnel arrested in 2013. As in the previous year, 10 total SOFA personnel arrested were on active duty, according to the OPP.

Overall, SOFA members on Okinawa committed 29 crimes in 2014, as opposed to 32 the year before. In 2014, one U.S. Marine was arrested for rape, the charge was however dropped by Japanese prosecutors. No SOFA members were arrested for rape or other heinous crimes such as murder, robbery and arson in 2013. SOFA members arrested for crimes such as extortion or assault decreased from seven, the year before, to four.

As compared to crime statistics over the past four decades, the trend for 2014 are extraordinarily low, considering there are 50,000 personnel on Okinawa

³⁵ Matthew M. Burke and Chiyomi Sumida, *Stars and Stripes*, “Number of SOFA personnel accused of crimes on Okinawa drops,” March 3, 2015, <http://www.stripes.com/news/pacific/number-of-sofa-personnel-accused-of-crimes-on-okinawa-drops-1.332412>.

offered legal protections under the U.S.- Japan SOFA. As further reported in the *Stars and Stripes*, “the number of arrests of SOFA personnel on Okinawa has steadily declined since peaking in 1977 with 396 arrests on 342 crimes, according to the data. There were 280 arrests in 1980, 74 in 1990, and 67 in 2000.”³⁶

Overall, then, foreigners, USFJ military and civilians and U.S. Marine Corps personnel appear to have disproportionately lower rates of crimes and accidents when compared to mainland Japanese and Okinawa residents.

D. PORTRAYALS OF SOFA-RELATED CRIME

Despite these comparatively low crime rates, foreigners in Japan, including USFJ personnel protected under the SOFA, are often scapegoated in Japan’s crime reporting and serve as catalysts for “cracking down” on foreign crime. SOFA-covered personnel are both depicted as committing crimes at disproportionate rates and as too easily able to exploit SOFA provisions to evade justice.

Japanese and foreign media often remark that Japan has a minimal crime rate. This is true when compared to most Western countries. The Japanese media, local-level interest groups and certain political factions in Okinawa and mainland Japan are quick to point out that the influx of immigrants and the presence of foreigners³⁷ (particularly Chinese³⁸ and Koreans) result in numerous robberies, assaults, rapes, and murders³⁹ of Japanese citizens each year. When it comes to incidents involving the USFJ, separating fact from fiction is often very difficult.

³⁶ Ibid.

³⁷ Debito Arudou, “Foreigner crime stats cover up a real cop-out,” *Japan Times*, October 4, 2002, <http://www.japantimes.co.jp/community/2002/10/04/issues/foreigner-crime-stats-cover-up-a-real-cop-out/#.VgCcWOkq7HM>.

³⁸ Ibid.

³⁹ Ibid.

Nowhere is the message of foreign crime louder or the burden markedly heavier than in Okinawa, where blame is typically placed on young USFJ service members. In the case of incidents involving the USFJ, negative reporting helps further the call to remove SOFA-sponsored military and civilian personnel and bases from Okinawa.

In his 2008 article, “U.S. Military Crime: SOFA so good?” Michael Hassett argues that “members of the U.S. military are four times less-likely than a Japanese citizen to commit a crime on the island of Okinawa,” a claim that stands in sharp contrast to frequent countervailing claims that SOFA-covered personnel are disproportionately responsible for crime in Okinawa and Japan.⁴⁰ Hassett writes:

Many feel that society would be great if we had no need for military forces, but as long as governments don't feel the same way the fact remains that we have to put them somewhere. All of which raises the question: Is it hypocritical to give such disproportionate media exposure to crimes committed by U.S. service members when the data shows that their adherence to our laws apparently exceeds our own?⁴¹

Arudo conveys Ellis and Hamai's opinion that:

The Japanese press . . . is presenting a partial and inaccurate picture of current crime trends, where “the moral panic has had a very real effect . . . on public perception.” This is especially true since the Japanese public, like other societies, “rely more on media sources for opinions on crime than they do on objective sources.”⁴²

Figure 8, meanwhile, depicts the cover and back page illustrations of the 米軍犯罪対応マニュアル or U.S. Military Crimes Victim Assistance Manual.⁴³

The front and back of the pamphlet show a hit-and-run by a SOFA member

40 Hassett, “U.S. Military Crime—SOFA so good?”

41 Ibid.

42 Ibid.

43 U.S. Military Crimes Victim Assistance Manual (Osaka, Japan: U.S. Military Crimes Victim Assistance Center (米軍犯罪被害者救援センター), 2010.

(notice the “Y” license plate found on a SOFA member’s vehicle circled). There is reference to a PowerPoint briefing on CD in which the SOFA is said to operate as a “wall for victims.” There is also a Q&A section that begins with an explanation that the USFJ presence is not for the defense of Japan but instead part of a series of staging bases for worldwide U.S. engagements.

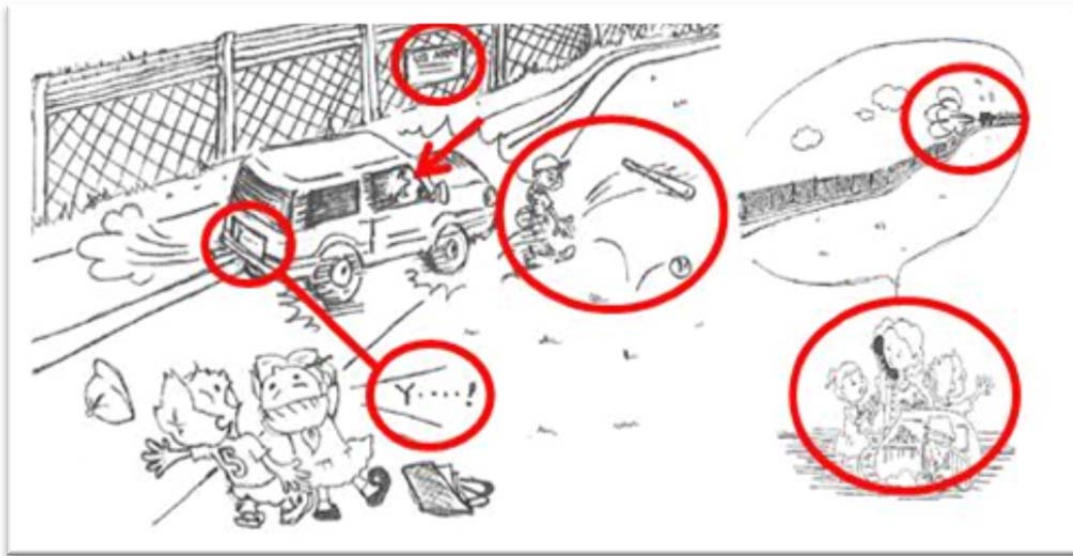


Figure 8. U.S. Military Crimes Victim Manual Cover
(from Victim Assistance Center 2010)

One recent report by the *Ryukyu Shimpō*, Okinawa’s first and largest newspaper, provides an example of the discrepancies that emerge in local reporting. The report holds that

[o]f the 62 cases of crime or incidents involving U.S. military civilian employees in Japan that have occurred “in the line of duty” [Table 1] during the five-year period of 2006–2010, it was recently divulged that none of those have been brought to a court-martial, and 27 cases, or approximately 40% of those, were processed as being “not subject to punishment.” In 35 cases, disciplinary action against the suspected civilian employees was taken.⁴⁴

⁴⁴ Hideki Matsudo, “No cases involving military civilian employees ‘on duty’ have been brought before a U.S. court martial in Japan,” *Ryukyu Shimpō*, November 13, 2011, <http://english.ryukyushimpo.jp/2011/11/22/3825/>.

As shown in Table 1 and Figure 9, there were 35 cases against SOFA-status civilians in which disciplinary action was taken. Key here is the use of the terms “military civilian” and “court martial” in the English-language *Ryukyu Shimpo*. The paper should have used the term “SOFA-status civilian” or even U.S. Government Civilian under SOFA-status” as other English-language Japanese newspapers have done in the past. The use of the term “military civilian” is confusing. The term used in the newspaper, 公務, is better translated as “public servant.”

Table 1. Cases Involving On-Duty USFJ Civilians, 2006–2010
(from Matsudo, 2011)

Cases Involving On-Duty USFJ Civilian Civilians, 2006–2010			
Year	Number of Cases	Cases where SOFA member received disciplinary action	Cases where SOFA member not subject to punishment
2006	4	2	2
2007	16	9	7
2008	19	12	7
2009	12	8	4
2010	11	4	7
Totals	62	35	27

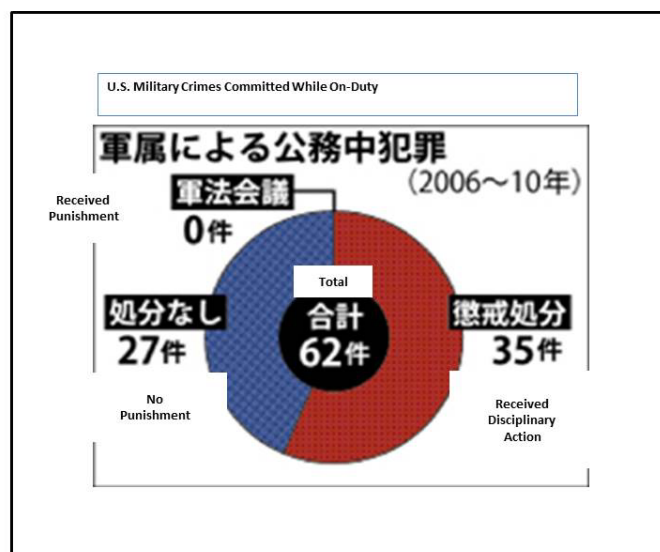


Figure 9. Number of Cases Involving USFJ Civilian Personnel While On-Duty (2006–2010) (after Matsudo, 2011)

Furthermore, civilians or “public servants” do not receive a court martial. By definition, a court martial is “a judicial court for trying members of the armed services accused of offenses against military law.”⁴⁵ Another key and misleading point is the use of the term “on-duty.” The average Japanese person may believe that active duty members of the U.S. military are always on-duty. It probably would not matter to most if a USFJ service member was on or off-duty if an incident were to occur.

National-level legislators sometimes provide misleading accounts as well. Japanese Communist Party (JCP) Member of the House of Councilors, Satoshi Inoue testified during a House of Representatives Foreign Affairs Committee meeting in November 2011 as to why the SOFA-status civilian employees were not brought to court martial:

According to the explanation given by Inoue, the cases of crime and incidents involving U.S. civilians have mostly been traffic accidents. The U.S.–Japan Status of Forces Agreement states that in the case of the traffic accidents caused by U.S. military service members and civilians “on duty,” the primary jurisdictions over this is determined to be with the United States. Meanwhile, the results of the exercise of jurisdiction or disposal of cases by the U.S. military side after the Japanese side has given up jurisdiction have not so far been revealed.⁴⁶

As shown in Table 1, the data proves otherwise: the USFJ members did not commit nearly the number of incidents reported by the MOJ. By August 2012, however, the MOJ had yet to provide the data for incidents occurring during 2006 and 2007, stating that it was unable to confirm the incidents due to a lack of data on the U.S. side. That statement is contradicted by data presented in this study. Additionally, not fully defining what constitutes “on-duty” and who receives a “court martial” is misleading.

⁴⁵ Jay M. Feinman, “*One Thousand and One Legal Words You Need to Know*” (New York: Oxford University Press; Reprint edition, 2005), 39.

⁴⁶ Matsudo, “No Cases Brought Before Court Martial in Japan.”

Matsudo of the *Ryukyu Shimpō*, when reporting on a Press Conference by Minister for Foreign Affairs Koichiro Gemba held at the Ministry of Foreign Affairs in February 2012 regarding the SOFA status and accidents and crimes committed by USFJ personnel during official duties, also conveyed the misleading notion that Japan cannot exercise jurisdiction over USFJ military and civilian personnel, though he was corrected by Gemba:

Matsudo, Ryukyu Shimpō: This time a member of the civilian component was convicted. In the case of members of the U.S. armed forces, in many cases it is only the admonishment that is granted. Do you have any intention to consider Japan can exercise jurisdiction over members of the U.S. armed forces?

Minister Gemba: As I said earlier, members of the U.S. armed forces and civilian components who commit a crime in the performance of official duty; this is not only in the SOFA between Japan and the United States but also in the agreements between the U.S. and other countries. If the act is done outside of their official duty, then Japan has jurisdiction. We have made improvements because of very strong requests from the people in Okinawa, we reviewed the SOFA. I would say that the Japanese Self Defense Forces were sent to Djibouti. In Djibouti, Japan has jurisdiction even over the act done not in the performance of official duty. Including all these things, we have to give it comprehensive consideration and I (Minister) would like to continue to think about what should be reviewed and at what time the review should be conducted.⁴⁷

Newspaper commentary, meanwhile, conveys misleading impressions about military personnel tendencies without countervailing opinion. For example, one *Japan Times* piece relates unchallenged that:

The military has reduced violent crime, but everyday misdemeanors accumulate to strengthen Okinawan opposition. A Japanese lawyer wondered aloud to me why young, intoxicated servicemen feel entitled to

⁴⁷ Minister of Foreign Affairs Koichiro Genba's reply to a question regarding the review of the implementation of the Status of Forces Agreement during the Foreign Affairs Press Conference, February 22, 2012.

enter the homes of residents late at night to sleep on the couch. “It happens frequently,” he said. “Some even plug in their cell phones.”⁴⁸

Another *Japan Times* piece holds that:

Although under SOFA Japan nominally has jurisdiction over most U.S. personnel who violate Japanese law, in practice Japan either waives this jurisdiction or the U.S. simply does not hand the suspect over to local police for questioning. Indeed, there is nothing to stop the offender from being put on a U.S. plane out of the country, or to deter personnel who know they are shipping out from going on a petty crime spree immediately before doing so (the vast majority do not, of course).⁴⁹

A *Ryukyu Shimpo* piece offers the following regarding Okinawan fishermen and the USFJ on Okinawa:

Since the terrorist attacks on September 11, 2001, in the waters provided for military use near White Beach in the Katsuren district, Uruma City, United States warships have pointed their deck guns toward local fishing vessels passing close by. The fishermen have been terrified to have U.S. Navy warships taking aim at them.⁵⁰

Similarly, as reported within *Stars and Stripes* reporting on Okinawan media bias:

“The island’s two major newspapers—Ryukyu Shimpo and The Okinawa Times—are strongly antibase in their editorial stances and coverage of U.S.-Okinawa community relations,” the Cooley-Marten report states. “Each commands 200,000 readers, giving the antibase view great prominence.” It’s a claim the editor of The Okinawa Times denies. One U.S. officer said he was told by the editor of another newspaper that his paper’s editorial position was slanted against U.S. bases. “I was told straight out by an editor that

48 G. Primo Ventello, “An Alliance of Hope Must Include Okinawans,” *Japan Times*, June 2, 2015, <http://www.japantimes.co.jp/opinion/2015/06/02/commentary/japan-commentary/an-alliance-of-hope-must-include-okinawans/#.VfsFF7RD1SU>.

49 Colin P.A. Jones, “SOFA: An Unequal Treaty that Trumps the Constitution?,” *Japan Times*, June 2, 2015, <http://www.japantimes.co.jp/community/2013/08/05/issues/sofa-an-unequal-treaty-that-trumps-the-constitution/#.VfuOD7TtKfQ>.

50 Kenyu Uchima, “Okinawan Fishermen Terrified to Have Guns Pointed Toward Them by U.S. Warships Near White Beach, Ryukyu Shimpo, September 11, 2011, <http://english.ryukyushimpo.jp/2011/09/22/2965/>.

they want us—the military—to go away,” the officer said, asking not to be named.⁵¹

[...] In a recent story in *Marine Times*, Lt. Gen. Richard Zilmer, the senior U.S. military officer on Okinawa, said a “vocal minority” of Okinawans and a “very, very anti-base media” at times portrays servicemembers as “criminals and thugs.”⁵²

The same *Stars and Stripes* article closed with commentary from University of the Ryukyus International Relations professor Masaaki Gabe:

Okinawa officials will always use incidents involving SOFA-status personnel to ‘ensure Tokyo will provide economic incentives’ for accepting the current plan to realign U.S. forces in Japan. The plan calls for the eventual transfer of some 8,000 Marines and their families to Guam. ‘Money is a very powerful, manipulative tool.’ And although the Okinawa press may be biased, Gabe said, it also represents the views of its readers.⁵³

More broadly, Professor Robert D. Eldridge of Osaka University has pointed to the Okinawan media’s tendency to compellingly report the “viewpoint of local residents, particularly under adverse conditions.” Eldridge further states that negative issues are incessantly reported without any coverage of news that casts the USFJ “in a favorable light,” and that this rightly contributes to claims of the Okinawan media being biased.⁵⁴

So why, if the data suggest otherwise, does the perception persist that USFJ members protected under the SOFA commit and get away with a disproportionate amount of crime? This study now turns to explanations for the overstatement of USFJ crime in Okinawa.

51 David Allen and Chiyomi Sumida, “Okinawa’s Newspapers: At War with the U.S. Military?,” *Stars and Stripes*, May 11, 2008, <http://www.stripes.com/news/okinawa-s-newspapers-at-war-with-the-u-s-military-1.78673>

52 Allen, “Okinawa’s Newspapers: At War with the U.S. Military?”

53 Ibid.

54 Eldridge, “The Okinawa “Base Problem” Today.”

III. REPORTING FOREIGN CRIME IN JAPAN

I argue, first, that the persistence of assumptions concerning disproportionate rates of crime among SOFA-covered personnel in Okinawa is reflective of a broader, nationwide reporting of high rates of non-Japanese crime, coupled with high rates of trust in Japanese media.

In the late 1990s, after Japan's bubble economy collapsed, the country found itself mired in an economic recession accompanied by a steep rise in crime. Later, during the Asian financial crisis of 1997–1998, Japan faced not only a worsening economy, but also a rising crime rate, according to Taisuke Kanayama of the Police Policy Research Center, NPA of Japan.⁵⁵ After the Great East Japan Earthquake in 2011, rumors blaming crimes on foreigners spread through Twitter and email exchanges.⁵⁶

The data relating to non-USFJ crimes found in Figures 10 through 13 and Figure 15, as well as examples of biased commentary, advertisements and news reports will be provided to establish the general climate of hyperbole of non-Japanese crime.

According to the author's analysis, the economic quagmire Japan faced during the 1990s led to a steep increase in the total number of penal code crimes (from just over 1.5 million to almost 3 million, as shown on the Y axis) committed by both Japanese and non-Japanese criminals for seven consecutive years (1990 to 2002, as shown on the X axis), ultimately reaching a new post-war high (Figure 10).

⁵⁵ Kanayama, Taisuke. "Rising Crime and Crime Reduction Strategies in 21st Century Japan." Tokyo: Police Policy Research Center, National Police Agency of Japan, 2009.

⁵⁶ Takai, Y., "Reservation of safety and security in the stricken area of the Great East Japan Earthquake," *The Journal of Police Science*, 12, 118–119, May 20, 2013 (accessed September 30, 2013), <http://www.aabri.com/manuscripts/131480.pdf>.

The NPA reports 18 types of crimes via their annual report on crime and utilizes the number of crimes versus crimes as a percentage per capita. According to Hassett, in Japan, the arrest rate does not indicate whether a criminal case was prosecuted in Japanese court or whether a Japanese or non-Japanese suspect was convicted of any crime.⁵⁷ Hassett also reports that it serves as an indicator that a person was taken into custody by NPA.⁵⁸

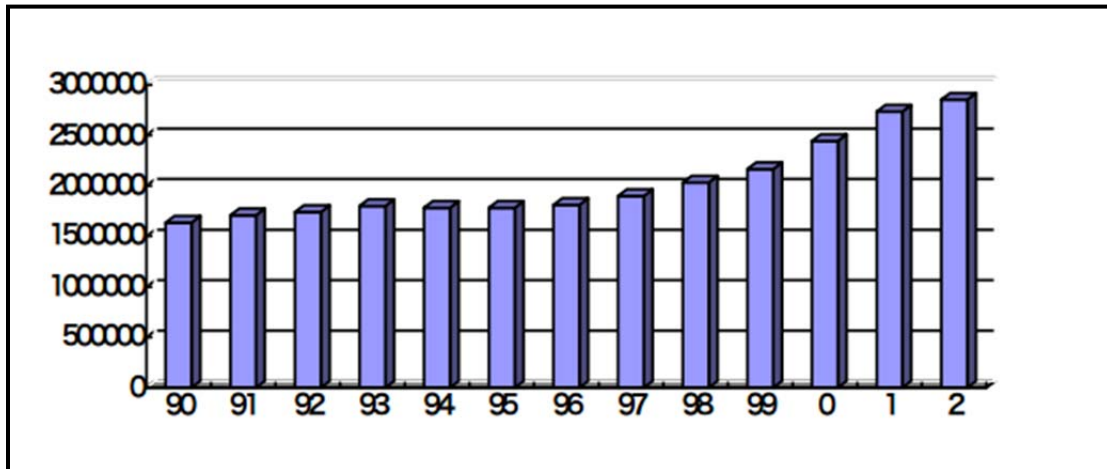


Figure 10. Number of Penal Code Crimes in Japan (1990–2002)
(from Kaneyama, 2008)

By 2002, the crime rate represented a 160 percent increase over the total crime reported in 1996 and led to the GOJ establishing a new national strategy in 2003—the “Action Plan to Create a Crime Resistant Society” (APCCS2003)—that would serve to mobilize all possible resources to fight crime in Japan.

After 2002, the Japanese economy began to recover and the APCCS2003 action—specifically in its second category stipulation, “Strengthening the Investigation of Crimes Committed by Foreign Nationals”—resulted in a decrease of illegal residents. In just five years, 2004 to 2008, the number of illegal aliens fell 48.4 percent from 219,000 to 113,000. Additionally, there was a 36.5 percent

⁵⁷ Hassett, “U.S. Military Crime—SOFA so good?”

⁵⁸ Takai, Y., “Reservation of safety and security in the stricken area of the Great East Japan Earthquake.”

drop in the number of foreign visitors arrested. The foreign tourist arrest rate plummeted from 21,842 in 2004 to 13,880 in 2008, as depicted in Figure 11.⁵⁹

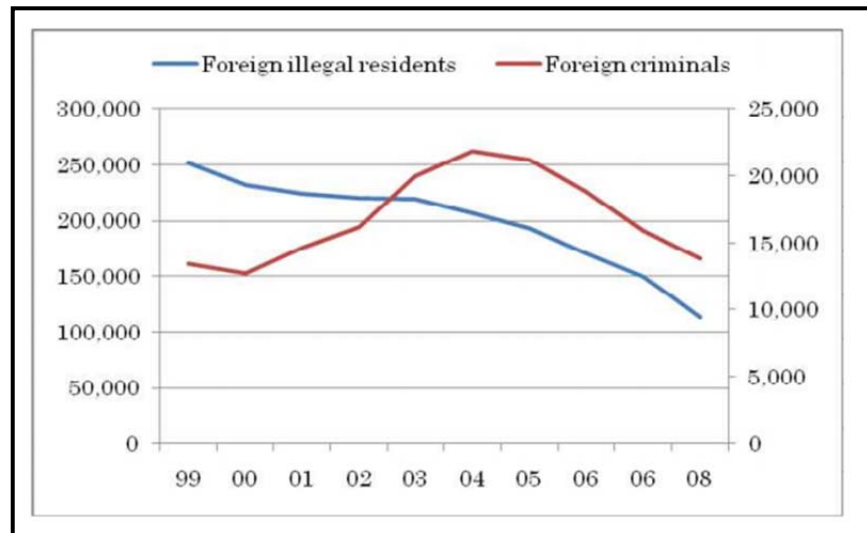


Figure 11. Number of Illegal Foreign Residents and Foreign Nationals Arrested or Charged with Crimes (1999–2008)
(from Kaneyama, 2008)

It is important to note that this portion of Kanayama’s APCCS study focused on “foreign nationals arrested or charged by the police not including foreigners who have permanent resident status and U.S. military personnel”⁶⁰ (more specifically, those under SOFA), according to the NPA.

Figure 12 shows that the percentage of foreign nationals as a percentage of all arrested for robbery and burglary is high, as compared to all penal code crimes, which led the NPA to shift its resources to address the problem of crime committed by foreign arrestees.⁶¹ In 2008, for example, there were 2.2 million

foreign residents living in Japan, according to the MOJ. Approximately 14,000

⁵⁹ Kanayama, Taisuke, Police Policy Research Center, National Police Agency of Japan, “Rising Crime and Crime Reduction Strategies in 21 Century Japan,” 12.

⁶⁰ Ibid., 38.

⁶¹ Ibid., 15.

foreigners were arrested or charged with crimes (Figure 11). Two percent of foreigners represented all those arrested for penal code crimes with approximately 5.5 percent of that group being arrested for robbery and house burglary, respectively (Figure 12).

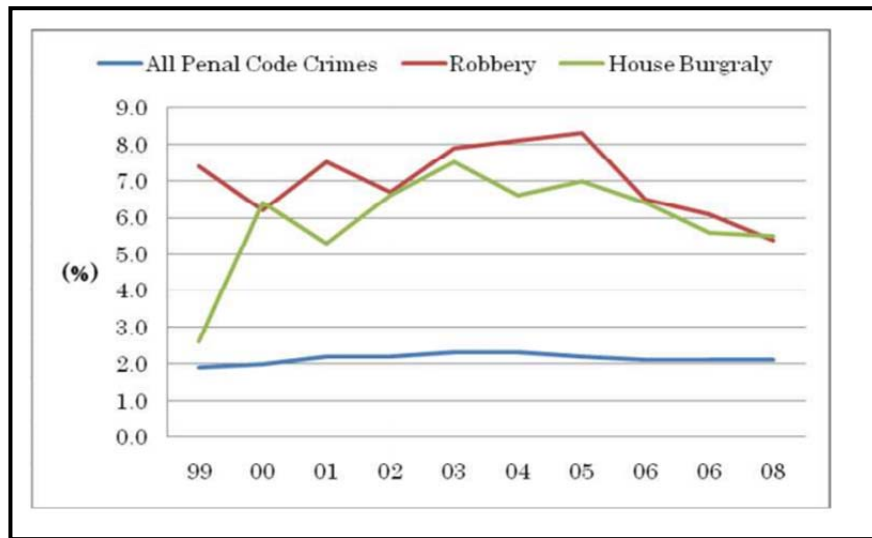


Figure 12. Percentage of Foreigners among Arrestees in Japan (1999–2008) (from Kaneyama, 2008)

As Zenn similarly reports in her NPS thesis, *The Effects of Pacifist Norms of the Japanese Justice System*:

By 2008, the anti-organized crime laws and the APCCS along with improvements in the economy after the Asian Financial Crisis resulted in a 33% decrease in the crime rate since 2002. The boryokudan dominated criminal activities such as money laundering, stimulant offenses, and gun-related offenses decreased while corporate fraud and loan sharking increased.⁶²

As crime took an upturn, the National Police Agency was also plagued with various scandals involving embezzlement and

⁶² Zenn, *The Effects of Pacifist Norms of the Japanese Justice System*, 35–36.

clearance rate falsification.⁶³ The NPA attempted to blame the increase in crime on foreigners and juvenile offenders, with minimal success, and growing dissatisfaction with the police grew throughout the public.⁶⁴

Overall, during the five-year duration of APCS2003, there was a 33 percent reduction in crime. That equates to a drop of over a million penal code crimes as compared to 2002. Pleased with the results, the GOJ revised its initial strategy and implemented APCCS2008 referencing a remark by Franz Von Liszt, “A good social policy is the best and most effective criminal policy.”⁶⁵

The most recent crime statistics for 2012 (Figure 13) show that the crime rate has decreased and marks a successive eight-year decline in penal code offenses:

The reported number of penal code offenses (excluding cases related to traffic accidents) was 1.38 million, a decrease of 98,639 (6.7 percent) compared to the previous year. The proportion of thefts was the highest, accounting for approximately 75 percent, or 1.04 million cases (down 8.2 percent from the previous year). The number of persons arrested for penal code offenses was 287,021 in 2012, a decrease of 18,610 (6.1 percent) compared to the previous year, marking an eight-consecutive-year decline. The ratio of arrests to reported number of offenses marked a post-World War II low at 19.8 percent in 2001. Since 2002, however, it has shown signs of recovery, accounting for 31.7 percent in 2012.⁶⁶

63 Tetsuya Fujimoto and Won-Kyu Park, “Is Japan Exceptional? Reconsidering Japanese Crime Rates,” *Social Justice* (Summer 1994).

64 Zenn, *The Effects of Pacifist Norms of the Japanese Justice System*, 36.

65 *Ibid.*, 38.

66 *Statistical Handbook of Japan 2013*, 162.

Year	Reported offenses	Resultant arrests	Persons arrested	Arrest rate ²⁾ (%)	Crime rate per 100,000 population
1980	1,357,461	811,189	392,113	59.8	1,159.6
1985	1,607,697	1,032,879	432,250	64.2	1,328.1
1990	1,636,628	692,593	293,264	42.3	1,324.0
1995	1,782,944	753,174	293,252	42.2	1,419.9
2000	2,443,470	576,771	309,649	23.6	1,925.5
2005	2,269,293	649,503	386,955	28.6	1,775.7
2010	1,585,856	497,356	322,620	31.4	1,238.0
2011	1,480,760	462,535	305,631	31.2	1,158.7
2012	1,382,121	437,612	287,021	31.7	1,084.0

1) Excluding traffic offenses. 2) The ratio of arrests to reported number of offenses.
Source: National Police Agency.

Figure 13. Trends in Crime (from Statistical Handbook of Japan 2013)

The APCCS2008 stressed the social conditions and other causes of crime. Doing so, allowed support for a broader and a more permanent crime prevention policy.⁶⁷ According to Kanayama:

APCCS2003 was a comprehensive plan for crime reduction that focused on suppressive and preventive measures. On the other hand, the more recent expansion of this into APCCS 2008 includes more fundamental policies for building a sound society. Although at first glance, these policies may seem more indirect, their purpose remains crime reduction and creation of a safe society and a sense of security for its citizens. Thus, it can be said that APCCS has developed from a policy plan focusing on crime prevention into a general social policy plan.⁶⁸

Katayama further explains that the narrative of items changed from measures taken against “crime and criminals to items that were more concentrated on society and potential victims of crime.”⁶⁹

⁶⁷ Ibid., 37.

⁶⁸ Ibid.

⁶⁹ Ibid.

Statistically, although it appears that APCCS2003 produced very impressive outcomes and APCCS2008 presented well-stated intentions in fighting crime and protecting citizens, this does not provide a full and accurate picture of the crime rate and crimes committed by foreigners in Japan, especially those foreigners protected under the SOFA.

Michael Hassett reported in a 2006 *Japan Times* article that there was a total population of 127.77 million in Japan of which registered foreigners equaled 2.08 million.⁷⁰ Of those registered foreigners, Hassett says, 51,321 were non-SOFA sponsored U.S. citizens, 96,790 were SOFA-sponsored and approximately 5 million tourists visited Japan of which 10 percent were American.⁷¹

Additionally, Hassett also cites that the NPA 2006 report shows 384,250 penal code offense arrests (for crimes such as assault, murder and theft, etc.) included 14,418 non-Japanese, 211 non-SOFA Americans and 120 SOFA-covered personnel.⁷² Illegal immigrants comprised 13.2 percent of the foreign penal code offenses.⁷³ Out of 83,147 individuals arrested for special law violations, 12,303 were non-Japanese, 84 non-SOFA Americans and 25 SOFA-covered personnel, according to Hassett.⁷⁴

Hassett's article further shows that the 2006 arrest rate equated to 0.351 percent for Japanese. If one excludes the 13.2 percent of illegal immigrants assumed responsible in committing special law violations and those protected under the SOFA, a 0.326 percent arrest rate would be had and if tourists arrest rates are determined insignificant, the overall arrest rate for non-Japanese residents would jump to 1.1 percent.⁷⁵ How do the Americans fare? In 2006, the

70 Hassett, "U.S. Military Crime—SOFA so good?"

71 Ibid.

72 Ibid.

73 Ibid.

74 Ibid.

75 Ibid.

arrest rate equated to 0.054 percent for American tourists and non-SOFA American residents in Japan.⁷⁶

It is also important to examine how the terms “foreigner” or “foreign national” are defined, and redefined, for statistical or political purposes, to understand crime reporting in Japan. To reassess the findings in the APCCS reports, the terms “foreign national” and what exactly constitutes “foreign crime” must be explained to check the validity of accuracy of the reported crime figures. According to Japan’s official immigration and police reports, “foreign nationals” are defined as those “foreign residents” (Figure 14) who stay in Japan on visas for a period of twelve months or longer. “Foreign nationals” may also be on short-term visas (tourists, temporary workers) and even illegal immigrants. “Foreign nationals” do not include USFJ members protected under the SOFA. These distinctions may easily mislead since it is common in Japanese media reports of crime to use the term “foreigner” (*gaikokujin*). Some Japanese politicians and protest groups have been known to use “*gaijin*,” which also means “foreigner” but is considered less polite. When referring to USFJ personnel, the terms “*beigun*” (U.S. military) or “*zainichibeigun*” (USFJ) are also used.

⁷⁶ Ibid.

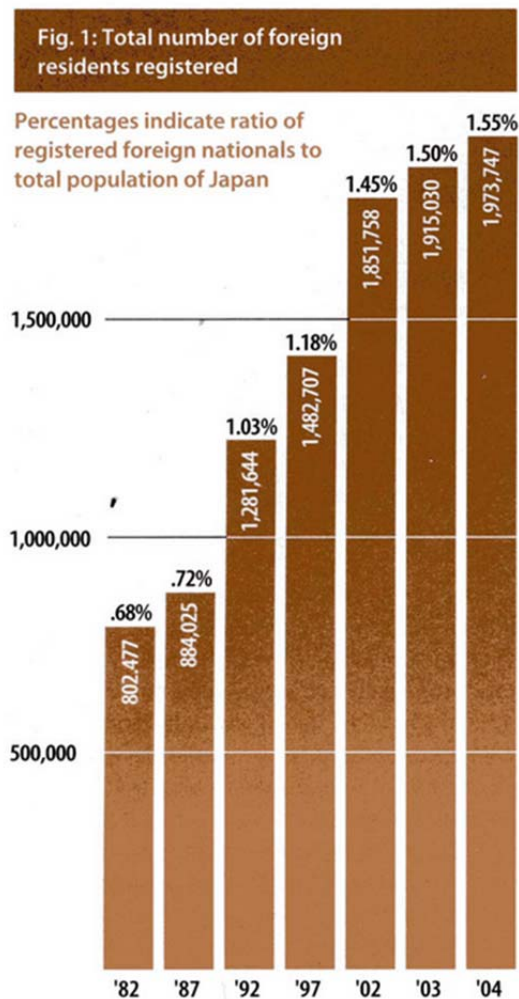


Figure 14. Total Number of Foreigner Residents Registered
(from Burrows, 2007)

Therefore, defining what constitutes “foreign” crime in Japan can be difficult for those in Japan (both Japanese and non-Japanese) since the total number and percentages of crimes committed depend how “foreigner” is distinguished in official reports and the media. The media, depending on the intended audience, often uses the generic “foreigner” when describing those non-Japanese (*gaikokujin*, *gaijin*, *beigun*, *zainichibeigun*), involved in crimes and accidents in Japan.

Use of the term, foreigner, is misleading as it relates to USFJ military and civilian personnel (particularly those living in Okinawa), for example, as it gives

the Japanese the impression that USFJ personnel and their dependents commit the same types and rates of crime as non-USFJ foreign residents legally residing in Japan, visitors to Japan, and those foreigners illegally staying in Japan, whereas the opposite is true.

Furthermore, the generic usage of the term foreigner when reporting crimes and crime rates, particularly with the lack of comparison between *kokumin* (Japanese citizens) and *gaikokujin* (foreigners) crime statistics with no juxtaposition between the two in breadth creates not only a false perception but also ungrounded expectations of crime.

Figure 10 shows the yearly increase in the number of penal code crimes from 1990 to 2002 while Figure 15 illustrates the decrease in such crimes from 2000 to 2009.

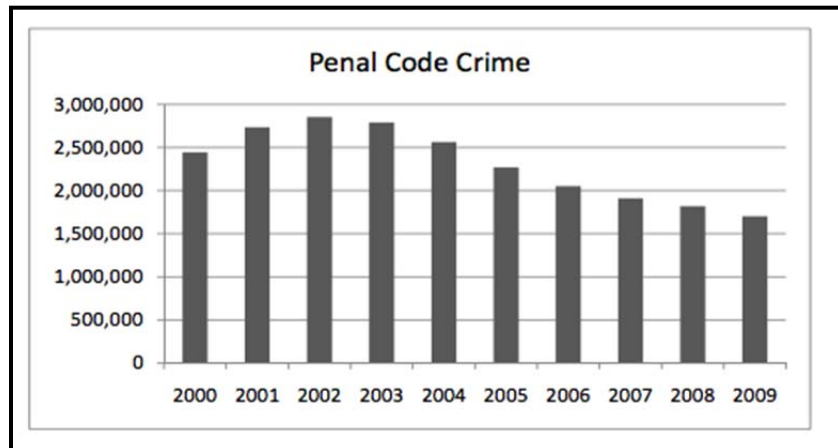


Figure 15. Penal Code Crimes 2000–2009 (from Kaneyama, 2008)

In examining Figure 10 and Figure 15 in a wider context, the changes in rates of penal code crimes committed by foreigners do not account for an increased number of registered foreign nationals.

In the May 2007 *Kansai Time Out* (KTO) magazine article, “Taking out the Trash,” Christian Burrows examined the foreign crime rate in Japan and reported that the National Police Agency showed the number of penal code crime cases

involving foreign nationals as having increased by approximately 50 percent, with 32,033 cases occurring in 1997 to an estimated 48,000 in 2005 (Figure 16).

Country	# of Residents	# of Visitors (2005)	Total Population	# Arrested	# of Crimes	Crime Rate (per 100,000)
Japan	127,757,000	—	127,757,000	386,955	2,269,293	1,776
S. Korea	598,687	2,008,418	2,607,105	2,013	3,176	122
China	519,561	2,096,518	2,616,079	8,899	17,385	665
U.S.	49,390	853,845	903,235	211	263	29
Philippines	187,261	221,309	408,570	1,791	1,986	486

Figure 16. Crime Rate of Various Nationalities in Japan
(from Burrows, 2007)

A 50 percent increase in crime in a six-year period should have been and was a cause for alarm. However, the NPA failed to report that the registered foreign national population increased by almost a million persons to 1,281,644 in 1992 and 2,011,555 in 2005. During the time of the report, non-Japanese residents accounted for 1.57 percent of the population, up .02 percent from the year prior and almost 2.5 times higher by percentage from 1987, as was shown in Figure 14.

Based on this crime data, population discrepancies and clearance rate falsification, it appears that the accuracy of the NPA foreign crime reporting is questionable. Defining which type of foreigner (visitor, illegal immigrant, legal resident, temporary worker) actually committed the crime, and the yearly increase in the foreign population skews the results. For example, the two million foreign nationals registered by the MOJ in 2005 do not include visitors, illegal immigrants, and temporary workers. However, these categories are included in the “foreign-crime” statistics that the NPA published, as shown in Figure 16.

Additionally, *Kansai Time Out*, when referring to the publication, *Gaijin Hanzai Ura Fairu*, or “The Secret Crime of Foreigners,” which focused on the crimes committed by foreigners and employed racist depictions and descriptions of those foreigners, claimed that 48,000 foreign nationals committed crimes in 2005. Burrows writes, “Hyperbolic reporting of this type is also quite common

practice in mainstream media,”⁷⁷ which tends to fixate on foreign crime regardless of more pressing issues (especially crimes committed by USFJ SOFA-status personnel, but not limited to them).

Other media examples of targeting foreigners as disproportionately prone to crime include:

- Japan’s best-selling locksmith, Miwa Locks’, *Shuukan Asahi* advertisement for their new “foreigner-proof” security.⁷⁸
- Tokyo Governor Ishihara’s urging the Nerima Self Defense Forces to round up illegal foreigners in case they unprecedentedly riot in the event of an earthquake.⁷⁹
- *Sankei Shimbun* front-page article, “Foreign Crime Rises Again, Six-Fold in Ten Years.”⁸⁰
- *Sankei Shimbun*’s publication of Tokyo Governor Ishihara’s essay connecting Chinese DNA with criminal tendencies and claiming that even the Yakuza (Japanese organized crime families) are scared of foreign-occupied zones.⁸¹
- Fuji TV’s inaccurately describing South Koreans interviewed on the street as saying they “hate” Japan. The subtitle for a Fuji TV program read: “I hate Japan because it tormented Korea,” in an interview in which a high school girl on a street in Seoul is actually heard to say in Korean, “(South Korea) has a rich culture. I think that’s why many foreigners visit us.”⁸²
- Marco Polo magazine publishes a February 1995 article entitled ‘Japan’s ‘Dark Society’ Whitepaper on Crimes by Foreigners, An All-Out Feature: Is it O.K. to Let This Matter Take its Course?’⁸³

77 Burrows, Christian. “Taking Out the Trash.” *Kansai Time Out*, May 2007, 8.

78 Debito Arudou, “Upping the Fear Factor,” *Japan Times*, February 20, 2007, <http://www.japantimes.co.jp/text/fl20070220zg.html>.

79 Arudou, “Foreigner crime stats cover up a real cop-out.”

80 Ibid.

81 Arudou, “Upping the Fear Factor.”

82 Tomohiro Osaki, “Fuji TV apologizes for subtitles inaccurately quoting South Koreans,” *Japan Times*, June 29, 2015, <http://www.japantimes.co.jp/news/2015/06/29/national/social-issues/fuji-tv-apologizes-subtitles-inaccurately-quoting-south-koreans/#.VfpvLLRD1SU>.

83 Gamble, “*A Public Betrayed*,” 190.

As made evident by the steadily decreasing crime rate, many Japanese still seem not to know that most recorded foreign crimes are for minor offenses—alternatively, one might argue that many Japanese are unaware that crime rates by non-Japanese do not remain at their previously high rates. By using the adage “a crime is crime,” the Japanese media’s portrayal of the foreigner as a major threat to Japan-at-large has increased and sustained public fear. This type of fear and panic facilitates the continued discrimination and criminalization of foreigners, both military and non-military, residing in Japan. As discussed by Arudo:

Suddenly Japan was no longer “safe.” Fortified by biannual NPA reports, the media periodically served up shock-horror headlines (for example, the *Sankei Shimbun* of April 1, 2000, exaggerating a “six-fold rise” in foreign crime). Politicians (and even the emperor) called for tightened public safety, blaming “a million foreign murderers and crooks” (former lawmaker Etoh Takami on July 12, 2003) and “sneaky thieves” (Kanagawa Gov. Matsuzawa Shigefumi in December 2003).

Open flew the tax purse strings: After Tokyo Gov. Ishihara claimed (with evidence unclear) that “even the yakuza are scared to enter lawless Kabukicho,” it became Japan’s first neighborhood with universal surveillance cameras. Likewise the NPA’s research institute landed boondoggle money for “foreign criminal DNA analysis” at crime scenes (*Zeit Gist*; Jan 13, 2004). Despite criticism from the United Nations, the Immigration Department launched online “snitch sites” (*Zeit Gist*; March 30, 2004), where anonymous xenophobes could rat on a foreigner for any reason whatsoever.⁸⁴

In the book *Born to Crime* (2002), Mary Gibson writes that “a succession of Moral Panics offered opportunities for interest groups to shape criminal justice policy.”⁸⁵ It is possible that the Japanese press, certain GOJ organizations and protest groups have used such “moral panics” to incite fear as a means of social

⁸⁴ Arudo, “Fear Factor,” 2007.

⁸⁵ Mary Gibson, “*Born to Crime: Cesare Lombroso and the Origins of Biological Criminology*” (*Italian and Italian American Studies*), (London: Praeger, 2002), 134.

control or to shape criminal justice policy. As Arudou points out, “media acts as a tool to build public’s confidence in and support to the government.”⁸⁶

In a *New York Times* article, Norimitsu Onishi argues that Japan’s “press club system, which was established in 1890, is used by government to control news and public opinion.”⁸⁷ Tatsuya Iwase, author of *The Reason Newspapers Are Not Interesting*, posits:

Japanese newspapers have little more than a formulaic recognition of the freedom of speech and ‘disregard the readers’ right to know.’ The public, he said, would eagerly welcome a new newspaper that carried feistier reporting and better analysis, but the system, from the government to the advertising powers, would do everything to prevent this.⁸⁸

Iwase further states that “newspapers here don’t write lies, but they avoid dealing with uncomfortable truths. Press club members loyally write articles within the framework.”⁸⁹ According to David T. Johnson, “The major national newspapers do little investigative reporting (contrast *Yomiuri* and *Asahi* with *The New York Times* or *The Guardian*).”⁹⁰

In an article discussing the danger of media bias in Okinawa, Eldridge writes:

A great public debate has erupted recently about the role of the media in Japan: the nation as a whole, more broadly, and specifically about the plight of the “embattled” Okinawan media. In fact, though, the local media in Okinawa is very much at the center

⁸⁶ Arudo, *Fear Factor*, 2007.

⁸⁷ Norimitsu Onishi, *The New York Times*, “Letter from Asia; Officialdom and the Press: Too Clubby in Japan?,” May 19, 2004, <http://www.nytimes.com/2004/05/19/world/letter-from-asia-officialdom-and-the-press-too-clubby-in-japan.html>.

⁸⁸ Howard. W. French, *The New York Times*, “The World; Tired of News That Rocks the Boat? Visit Japan,” February 6, 2000, <http://www.nytimes.com/2000/02/06/weekinreview/the-world-tired-of-news-that-rocks-the-boat-visit-japan.html>.

⁸⁹ Ibid.

⁹⁰ David T. Johnson, “Wrongful Convictions and the Culture of Denial in Japanese Criminal Justice 冤罪日本の刑事司法を支配する否認の文化,” *The Asia-Pacific Journal*, Vol. 13, Issue. 6, No. 5, September 02, 2015, http://japanfocus.org/-David_T_-Johnson/4273/article.html.

and in many cases the cause of this controversy, due to its biased reporting and something I call “miss-information.”

Biased reporting is of course a serious accusation. It can involve an intentional slant to stories, usually promoting a particular agenda while criticizing another, but can also be purposely not reporting events and perspectives that are found to be inconvenient to the chosen cause. Through this control of information, a certain narrative develops.⁹¹

Even if Japanese media’s focus on foreigners’ culpability for crime hides no particular ulterior motive beyond selling advertising and newspapers, their message is likely to be effective. They are both trusted and widely consulted. According to Professor Koichi Hamai, Japanese citizens trust 90 percent of stories found in their newspapers and 80 percent of what they view on television.⁹² This compares to the 20 percent of Americans who conveyed a high trust in information found in printed news media and on television, according to Susan Pharr.⁹³ Meanwhile, the Yomiuri Shimbun, the highest-circulation newspaper in Japan, also has the highest circulation in the world, with the morning edition of the paper alone boasting 10,180,981⁹⁴ daily readers. This is almost the combined circulation (10,102,833)⁹⁵ of America’s top ten daily newspapers. Japan’s second largest paper in the world, the *Asahi* Shimbun, has a combined morning and evening edition readership of 12,325,504.⁹⁶ 86 percent of the Japanese consume one or more of the daily 70,000,000 newspapers sold.⁹⁷ This equates to the average household in Japan having a daily

91 Robert D. Eldridge, “Words to Worry About: The Danger of Media Bias in Okinawa,” Nippon.com, July 16, 2015, <http://www.nippon.com/en/column/g00298/>.

92 Gavin Blair, “Murder in Japan. Analysis: Killings are down. So Why is Anxiety Up?,” *Global Post*, March 8, 2010, <http://www.globalpost.com/dispatch/japan/100304/murder-japan?page=0,1>.

93 Susan J. Pharr and Ellis S. Drauss, eds., *Media and Politics in Japan* (Honolulu: University of Hawai’i Press, 1996), 33.

94 Adam Gamble and Takesato Watanabe, *A Public Betrayed* (Washington, DC: Regnery Publishing, Inc., 2004), 34.

95 Gamble, *A Public Betrayed*, 33.

96 Ibid., 34.

97 Ibid.

newspaper subscription of approximately 1.1 newspapers.⁹⁸ Considering the data presented above, one can comprehend how the Japanese can become extremely sensitive to reports of foreign crime.

That sensitivity to foreign crime and particularly incidents involving USFJ personnel on Okinawa is heightened considering there are only three newspapers on Okinawa. According to Eldridge:

The media's irresponsibility, through both commission and omission, in reporting to date is made more severe in Okinawa due to the unapologetic antibase and antigovernment agenda, as well as the existence of a nearly closed media market in Japan's southernmost prefecture.⁹⁹

⁹⁸ Ibid.

⁹⁹ Eldridge, "Words to Worry About: The Danger of Media Bias in Okinawa."

IV. THE OKINAWA MONDAI

A. OKINAWA'S PERCEIVED BASE-COMMUNITY BURDENS

A second set of factors that help explain Okinawan over-emphasis on foreign crime can be traced to the particular position of Okinawa itself—its unique position within Japan as a host community for U.S. bases, and the nature of the political and media environment that has resulted. Many Okinawa residents perceive the bases to impose a variety of burdens: reminders of Okinawa's marginal historical position within Japan, confiscation of land, and accidents and environment impacts (in addition to the crimes otherwise at issue here). This perception of burden persists, at least among a significant part of Okinawa's population, despite countervailing benefits in the form of support for the local economy (and, perhaps, the broader benefit of increased Japanese security). Related, though, the perception of burden gives rise to a political culture in which that burden, ironically, itself becomes a justification for governmental support and supports a political and media protest infrastructure.

Calder defines base politics as “the interaction between ‘basing nations’ and ‘host nations’ on matters relating to the status and operations of local military facilities in the host nations, together with related transnational interactions involving non-state actors.” The actors involved in the base politics in Okinawa are the U.S. military, Government of Japan (GOJ) and Okinawa Prefectural Government (OPG).¹⁰⁰ Cooley states, “the single most explosive issue that drives anti-Americanism in Japan revolves around U.S. forward bases in Okinawa, Japan, base politics.”¹⁰¹

As Robert Eldridge indicated in “‘The Okinawa ‘Base Problem’ Today”:

Remarkably little progress has been made over the years to overcome the “Okinawa problem”—a catch all label for the host of

¹⁰⁰ Calder, *Embattled Garrisons*, 65.

¹⁰¹ David I. Steinberg and Robert L. Gallucci, *Korean Attitudes Toward the United States: Changing Dynamics* (Berkeley, CA: University Press Books, 2005), 49.

unresolved issues between the prefecture and the Japanese and U.S. governments. The U.S. military bases in Okinawa, in particular, have been at the heart of the controversy.¹⁰²

According to Lisa Takeuchi Cullen, “Okinawa hates America, and Okinawa loves America. Okinawa is in fact so American that it can appear deceptively like home.”¹⁰³

Many Okinawans have lingering and uneasy ties with mainland Japan since they have not forgotten the bloody Battle of Okinawa in 1945, which killed approximately a third of the Okinawan population.¹⁰⁴ The U.S. military maintained administrative authority of the Ryukyu Islands from 1945–1972. The United States transferred Okinawa back to Japan on May 15, 1972, when Okinawa once again became a prefectural district. The continued U.S. military presence on the island and the GOJ’s seeming ambivalence toward the people of Okinawa remains a source of major friction.¹⁰⁵ Many Okinawans feel that the U.S.–Japan security arrangement mainly benefits Japanese citizens outside of Okinawa.¹⁰⁶

The U.S. bases in Okinawa have always been under an intense degree of scrutiny by the OPG due to ongoing issues such as crimes, accidents, pollutants, noise hazards and location.¹⁰⁷ But also important is that Marine Corps Air Station (MCAS) Futenma (Figure 17.) occupies prime land leased for military use.

102 Robert D. Eldridge, “The Okinawa ‘Base Problem’ Today,” Nippon.com, February 3, 2010, <http://nippon.com/en/in-depth/a00501/>.

103 Lisa Takeuchi Cullen, “Sex and Race in Okinawa,” *Time*, August 19, 2001, <http://content.time.com/time/magazine/article/0,9171,171791,00.html>.

104 John W. Dower, *War Without Mercy* (New York: Pantheon Books, 2000), 298.

105 Chris Taylor, *Traveler’s Companion Japan, 2nd (Traveler’s Companion Series)* (Guilford, CT: The Globe Pequot Press, 2001), 216.

106 Justin McCurry, “US promises to reduce burden of military presence in Okinawa,” *The Guardian*, February 12, 2014, <http://www.theguardian.com/world/2014/feb/12/us-promises-reduce-military-okinawa-airbase-futenma>.

107 Sheila A. Smith, ed., in *Local Voices, National Issues* (Ann Arbor: Center for Japanese Studies, University of Michigan, 2000), 83.



Figure 17. MCAS Futenma (from Ginowan City, 2012)

The Japanese Diet has overridden the rights of Okinawan citizens to reclaim their land. Article VI of the U.S.–Japan Security Treaty sets forth Japan’s obligation to expropriate land from private land users for U.S. military basing.¹⁰⁸

Calder explains that Okinawa is Japan’s poorest prefecture and accounts for 0.6 percent of the total land mass in the nation. In looking at Okinawan landlords and their rents received in 2008, Phillip Brasor reported in *Japan Times*:

The total amount of money paid to these “landlords” in 2008 was 6.5 billion yen. That’s about 8 percent of all the rent paid to all 34,000 landlords on Okinawa. To put this in perspective, the American military controls about 20 percent of Okinawa’s land area (though it only occupies 11 percent), and rent property accounts for 2 percent of Okinawa prefectural production (tourism accounts for about 10 percent). Moreover, only 8 percent of the landlords who get money from the bases receive more than 5 million a year. More than half the landlords receive less than a million yen, which means most landlords don’t make a living from the bases.¹⁰⁹

108 Eric Heginbotham and Richard J. Samuels, *Japan, in Strategic Asia 2002–2003*, *Asian Aftershocks*, Eds. Richard J. Shillings and Aaron L. Friedberg with Michael Wills (Seattle: National Bureau of Asian Research, 2002), 95–96.

109 Phillip Brasor and Masako Tsubuku, “Living Off the Land in Okinawa,” *Japan Times*, November 18, 2010, <http://blog.japantimes.co.jp/yen-for-living/living-off-the-land-in-okinawa/>.

Many Okinawans want their land back. With the obvious strategic benefits that a forward-deployed U.S. military presence offers the United States and in bolstering the strength of the U.S.–Japan alliance, efforts to eliminate or reduce the Okinawan Mondai have been a dilemma for both the United States and Japan. The dilemma for the United States is losing basing rights and a degradation of force readiness while the GOJ faces intensifying pressure from the local municipal governments to reduce, or as is the case in Okinawa, remove the USFJ presence entirely.

Robert Eldridge writes:

In response, the Japanese and U.S. governments set up the Special Action Committee on Okinawa, or SACO, to formulate measures for realigning the U.S. military forces in Japan and alleviating the burden on Okinawa. One such measure was the April 1996 agreement to relocate U.S. Marine Corps Air Station Futenma from its urban site in Ginowan, just outside of Naha.¹¹⁰

The SACO has had mixed success, especially when considering the spate of USFJ incidents and the ongoing issues with the MCAS Futenma relocation and the return of previously leased land in Okinawa. Removing or relocating MCAS Futenma and returning leased land weighs heavily on the U.S. keeping its promise to help reduce the burden in Okinawa. According to the Japan's Ministry of Defense (MOD):

The SACO Final Report stipulates the return of land, the adjustment of training and operational procedures, the implementation of noise-reduction initiatives, and the improvement of operational procedures regarding the Status of Forces Agreement; the facilities and areas concerned are shown in Figure III-2–3-1. The land to be returned based on the SACO Final Report represents approximately 21 percent (about 50 km²) of USFJ facilities and areas in Okinawa at that time, exceeding the amount of land returned during the period between the reversion of Okinawa and the implementation of the SACO Final Report, which is roughly 43 km².¹¹¹

¹¹⁰ Eldridge, *Okinawa 'Base Problem' Today*.

¹¹¹ Ibid.

B. POLITICAL AND MEDIA INFRASTRUCTURE: “CONFLICT PAYS”

The OPG and residents of Okinawa, two strong voices that have developed a deep reliance on military-related spending, face a complex situation. Okinawan base-related revenue sources, next to tourism, comprised five to seven percent of Okinawa’s entire local economy.¹¹² The landowners conflicting incentive to rent their land to host USFJ and JSDF bases while their fellow citizens call for the removal of U.S. military bases from the island further complicates the domestic political situation on Okinawa.

To further examine 2011 data presented by the OPG regarding Okinawa’s base-related revenue received, it was reported:

At the time of Okinawa’s Reversion to Japan in 1972, U.S. Forces-related revenue was 15.5% of the gross prefectural income. In 2008, this ratio decreased to 5.3%. In contrast, the tourism revenue increased from 6.5% in 1972 to 10.9% in 2008, which is more than twice the U.S. Forces-related revenue.

Okinawa’s present economy is not as dependent on base-related revenue as before. The return of bases located in the central and southern regions of Okinawa Island has resulted in positive economic effects of approximately 10–200 times in comparison to pre-return, and has had great impacts on the prefecture’s economy and employment.¹¹³

When looking at the graph in Figure 18, it may be concluded that Okinawa’s present economy is not as dependent on the USFJ as in the past. However, it should be remembered that military spending on Okinawa contributes approximately three times more to the local economy than the island’s fishing, agriculture and forestry industries combined. An additional \$475 million comes from outlay by the USFJ service men and women and their

¹¹² Military Base Affairs Division, Okinawa Prefectural Government, “US Military Base Issues in Okinawa,” June 2011 (accessed September 24, 2011), <http://www3.pref.okinawa.jp/site/contents/attach/24600/2011.6%20Eng.pdf>.

¹¹³ Military Base Affairs Division, U.S. Military Base Issues in Okinawa.

dependents, including off-base housing rent, worker salaries at base and post exchanges and more than \$1.6 million in personal telephone calls.¹¹⁴

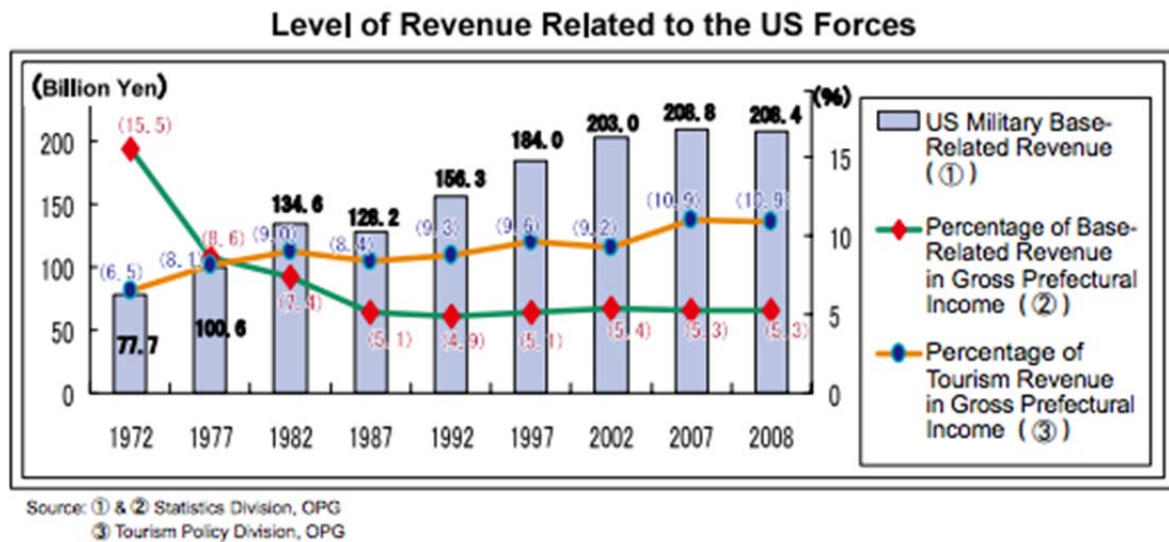


Figure 18. USFJ-Related Gross Prefectural Revenue (from OPG, 2011)

With the current U.S. and GOJ plan to close bases south of Kadena Air Base (particularly MCAS Futenma) and move U.S. Marines to current and planned facilities in Guam in the very near future, it is estimated the move will likely “eliminate about 10,000 jobs on the island and dig a billion-dollar hole in the Okinawa economy.”¹¹⁵ The OPG may feel that the job loss is negligible since previous base closures and land return in Okinawa has resulted in exponential economic returns, as shown in Figure 19.

¹¹⁴ Ibid.

¹¹⁵ Tritten, Ready or not.

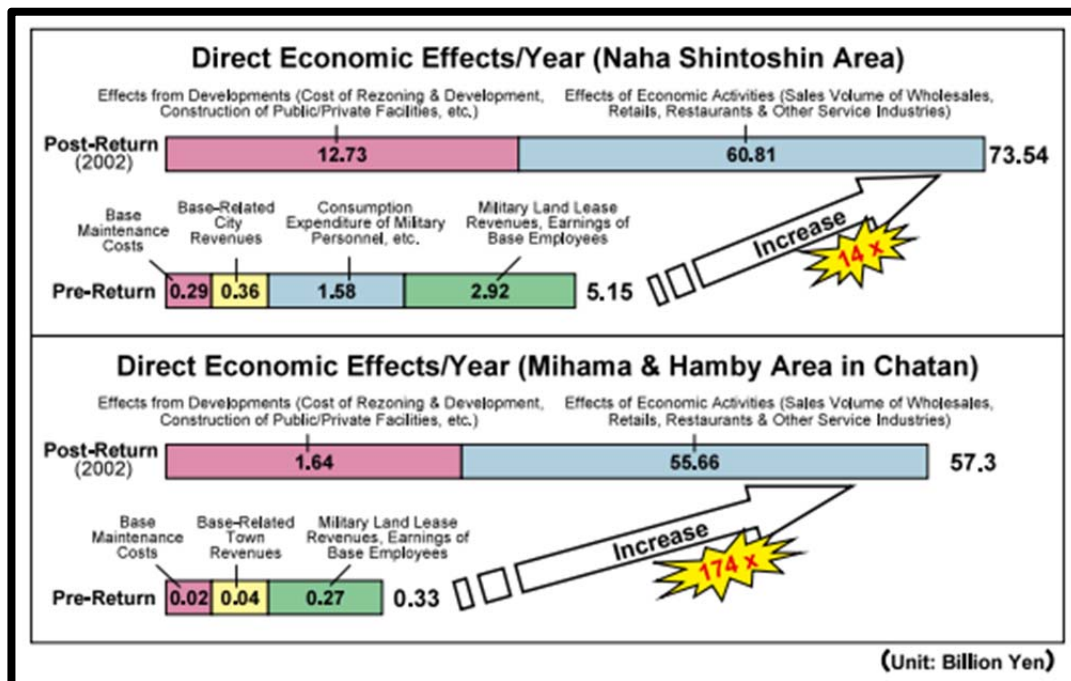


Figure 19. Direct Economic Effects of U.S. Base Closures in Okinawa (from OPG, 2011)

Additionally, for those involved in base politics in Okinawa (USFJ, GOJ and OPG), “conflict pays” and adds to Okinawa’s coffers, via the compensation-politics paradigm. Calder’s definition of base politics as “the interaction between ‘basing nations’ and ‘host nations’ on matters relating to the status and operations of local military facilities in the host nations, together with related transnational interactions involving non-state actors” should be kept in mind.¹¹⁶ Japan provides over \$4 billion dollars annually in host-nation support for the USFJ.¹¹⁷ In looking at the perspective of base politics specifically, most of those funds are allocated to pay local-level interest groups that provide assorted base services, and, according to Calder, it “addresses those disadvantaged or injured by the bases, through accidents, noise pollution, or criminal activity, for

¹¹⁶ Calder, *Embattled Garrisons*, 65.

¹¹⁷ Gavan McCormack, New Left Review, Vol. 64, “Obama vs Okinawa,” July-August 2010, <http://newleftreview.org/11/64>.

example—are provided for through timely case-specific allocation.”¹¹⁸ Reports of USFJ members committing a disproportionate amount of crime in Japan, especially in Okinawa, may be politicized for the benefit of gaining advantage in the removal or relocation of USFJ military facilities in Okinawa and mainland Japan, but they also produce side benefits in the absence of progress toward removal or relocation.

Even if basing rents do not provide windfall income, their impact can also be interpreted as significant. As noted previously, Okinawa remains Japan’s poorest prefecture, accounts for 0.6 percent of Japan’s total land mass, and is host to 75 percent of the U.S. military facilities in Japan (Figure 20). There are 34 distinct U.S. military facilities occupying 18.4 percent of the island with a “full 67 percent of the land used for military facilities privately owned,” and the prefecture has “more than 32,000 ‘contract’ landowners” receiving \$562 million in rental income in 2003,¹¹⁹ and about \$706 million in rent in 2006 paid to 33,309 individuals and municipal governments.¹²⁰ In comparison, less than 10 percent of the base land in mainland Japan is leased from private individuals. According to the OPG, rent increases yearly. The rent paid by the GOJ to military landowners located on Okinawa increased by 23.2 percent in the past 10 years.

118 Calder, *Embattled Garrisons*, 130.

119 Calder, *Embattled Garrisons*, 171.

120 Eric L. Robinson, “Buy Military Land in Okinawa, Japan,” Black Tokyo, September 15, 2008, <http://www.blacktokyo.com/2008/09/15/buy-military-land-in-japan/#sthash.4k0JWnBr.dpuf>.

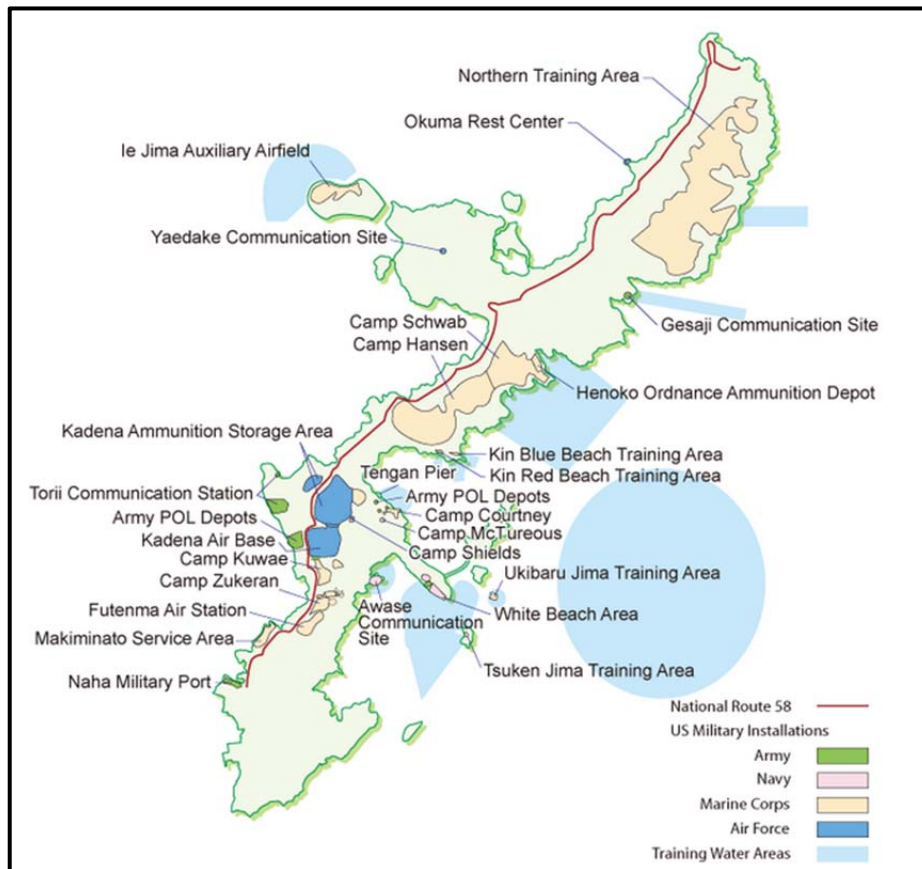


Figure 20. Map of USFJ Installations on Okinawa
(from Military Base Affairs, 2015)

Okinawa's media also may be thought to benefit, ironically, from the prominence—not necessarily the resolution—of crime and other military-burden issues. The penetration of national news is very small on Okinawa. The two influential newspapers, the *Ryukyu Shimpo* and *Okinawa Times*, generally do not carry a positive view of the USFJ. These two publications, along with their television affiliates, hold more than 80 percent of the local media market, and groups such as the Okinawa High School Teachers Union, with a strong anti-base bias¹²¹ give disparate media exposure to USFJ personnel crimes. As Eldridge asserts:

121 Gavan McCormack, "Deception and Diplomacy: The US, Japan, and Okinawa," *The Asian-Pacific Journal*, Vol. 9, Issue 21, No. 1, May 23, 2011, <http://www.japanfocus.org/-Gavan-McCormack/3532>.

Many of the problems with the ‘Okinawa problem’ are therefore ones of ‘omission’ rather than ‘commission.’ In other words, arguments go unchallenged, ‘facts’ unexamined, and opportunities unexplored.¹²²

According to Kadena Public Affairs Officer (PAO) Major Christopher Anderson, both the *Okinawa Times* and *Ryukyu Shimpo* “have a mission to reduce the presence of U.S. military on Okinawa. This is their stated objective that is written on their wall for all to see when we visited their offices.”¹²³

An example of biased media is the *Okinawa Times*’ announcing a boycott of a scheduled test flight of the U.S. Marine Corps Osprey aircraft scheduled to be based at MCAS Futenma in Okinawa and MCAS Iwakuni in mainland Japan as shown in Figure 21.¹²⁴



Figure 21. Okinawa Times Osprey Article (from Okinawa Times, 2012)

122 Eldridge, *Okinawa ‘Base Problem’ Today*.

123 Volkle, *Base Community Relations in Japan*, 41.

124 *The Okinawa Times*, “Osprey Flights Start,” September 12, 2012, http://article.okinawatimes.co.jp/article/20120921_39284.

It is difficult to provide a fair and balanced report of the aircraft if an outright refusal by the local media to participate in familiarization flights is the response.

Okinawa Times Not Participating in the Ride: *Okinawa Times* indicated that they are not participating in the orientation ride scheduled on September 27 at Iwakuni citing that their participation would not prove the safety of the aircraft and fear of groundless information to be fed to the readers.¹²⁵

Editor Taketomi of *Okinawa Times* released his comments indicating the following:

‘With recurrence of accidents, we cannot make judgment on the safeness of the Osprey just by riding on it. Out of concern that we would be providing official information to the citizens that ‘Osprey is safe’ with the participation of our reporters, we decided not to participate.’¹²⁶

This conflict-acceptant stance, combined with the general high degree of Japanese trust in media noted above, endows Okinawan media with a great deal of influence. As Stavale contends,

The Japanese media, particularly on Okinawa, warrant attention, as they are likely to degrade the views toward U.S. forces. ‘The influence of the press on Japanese public opinion and also on political circles is substantial...’¹²⁷

125 *Ryukyu Shimpo*, “More MV-22 Ospreys arrive on Futenma,” August 12, 2003, 1

126 Ibid.

127 Robert Scalapino, “*The Washington Papers: American-Japanese Relations in a Changing Era*” (New York: The Library Press, 1972), 78

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V. SUMMARY AND CONCLUSION

The Japanese media's spotlight on the increasing amount of foreign crime in general across Japan is well established. This thesis has argued that the Japanese media's often ascribes disproportionate weight to accidents and crimes committed by USFJ military and civilian SOFA-status personnel, and in turn discussed factors that might contribute to this outcome. It is a consequential outcome, with ultimately negative repercussions on the U.S.–Japan relationship and America's posture in Asia. The 1995 kidnapping and gang rape of a 12-year-old Okinawan girl by two U.S. Marines and a sailor, for example, has been one of biggest catalysts of resentment toward the United States and has resulted in one of the worst situations in the U.S.–Japan security relationship since the Anpo Riots of the early 1960s, which led to the resignation of Japan's Prime Minister Nobusuke Kishi and caused President Eisenhower to cancel his state visit to Japan.¹²⁸ Rancor arising from an extreme incident like this may be well-deserved, but it also creates an environment in which less-deserved attention for general crime rates becomes even more unproductive. Although environmental, noise and land-use issues remain (and were not presented in detail in this thesis), the GOJ, NPA and USFJ crime data clearly illustrates that USFJ SOFA-status personnel commit far less crime in Japan than publicized. The notion that the U.S. military commits a disproportionate amount of crime in Japan seems misguided.

Unfortunately, bias against the USFJ will persist as long as negative reporting plays into base politics. Media, interest groups and influential individuals may continue to present skewed crime statistics and misinterpret the language found in the SOFA and other agreements between the United States and Japan to further their own agendas. In other words, the press will continue to mislead the public.

¹²⁸ Japan Policy Research Institute, *JPRI Critique* Vol. III No. 7: September 1996, "Okinawa Update," http://www.jpri.org/publications/critiques/critique_III_7.html.

The resulting friction, often demonstrated via protests such as the one depicted in Figure 22 and commonly referred to as the Okinawa Mondai or (Okinawa Problem), must be greatly reduced, if not altogether alleviated, by properly addressing the concerns of the Okinawan people and implementing solutions to ease the burden of hosting U.S. forward-deployed forces and to sustain one of America's most valuable and strategic alliances in Asia with Japan.



Figure 22. Okinawans Protest MV-22 Osprey Helicopters
(from Chris Willson, 2012)

What can the U.S. do about this? The probability that a change in Okinawa's negative mindset will occur is high if the USFJ can "get ahead of the narrative" and present bilingual data and news derived from various viewpoints to supplement the "viewpoint of local residents, particularly under adverse conditions."¹²⁹ This can lead to better community relations between the U.S. military and those affected by USFJ incidents. Such data can serve as a resource to provide clarity to counter sometimes-unwarranted negative reporting by local media.

¹²⁹ Stavale, *The Evolution of Japan's Constitution*.

To better inform the local community and USFJ personnel, the USFJ and Department of State must openly address (in both English and Japanese) the negative perceptions that the Japanese and Okinawans have of USFJ SOFA-sponsored members. This can be accomplished by providing easily accessible sources of information via bilingual websites, mobile devices, mobile apps and local media that can counter inaccuracies in crime and accident reporting.

The USFJ should also implement an intensive campaign to regain local public support. This can be done by increasing the number of on-base special events that the local population can attend, increase off-base community programs and partnerships, launch additional sister-city relationships, creating additional dialogue with local officials and promoting or increasing, if applicable, joint patrols or “*kobans*” manned by both junior and senior USFJ service members along with local law enforcement and citizens’ groups.

By openly reporting overall accidents and crimes in both English and Japanese and understanding that any incident may become a major issue between the USFJ and the local community (particularly the residents of Okinawa), the USFJ and, ultimately, the U.S.–Japan Security Alliance will be strengthened. Negative views may slowly and methodically be mitigated as the local community and USFJ personnel grow better informed.

Keeping the local civilian and USFJ community better informed will also help refute negative media reporting and provide a counterbalance to those that disseminate false information. This could be as simple as reexamining the common theme (repeated in this study itself) that 75 percent of U.S. military bases are hosted on Okinawa. As presented by Toshio Ohama, spokesman for the Okinawa Teachers Union in a *Japan Times* Online interview, “strengthening cooperation between the U.S. military and Okinawa police is a good thing. But that doesn’t change the fact that Okinawa still hosts 75 percent of the U.S. bases in Japan, a disproportionate figure.”¹³⁰

¹³⁰ Eric Johnston, “U.S. anti-crime steps little comfort in Okinawa,” *Japan Times*, March 1, 2008, <http://search.japantimes.co.jp/print/nn20080301f1.html>.

As Eldridge writes:

This percentage is not true for two reasons: first, if 'U.S. bases' means 'all U.S. bases' then the percentage is approximately 24%; second, if 'U.S. bases' is meant as 'U.S. exclusive use bases' then the percentage is not 75% but closer to 62%. This is because two-thirds of the Central Training Area, located in the central and northern parts of Okinawa, is used jointly with the Ground Self-Defense Force.

In fact, if the SACO agreement were implemented, which includes the return of 51% of the Northern Training Area and MCAS Futenma, the percentage of exclusive use facilities in Okinawa would be reduced to about 49%. Moreover, if the 2006 base realignment plan known as the 'Roadmap' were realized, then that figure would drop even further to 42%. This number is a lot less than the 75% commonly used. Sadly, however, moving forward on any of the agreements is out of U.S. hands. It is entirely a domestic issue in Japan.¹³¹

With the OPG and groups in Okinawa calling for the revision of the U.S.–Japan SOFA, there is an apparent or feigned lack of understanding surrounding the agreement. As Nye pointed out when discussing crimes and those U.S. military and civilian personnel that commit them, "the Japanese SOFA itself is probably the best from the point of view of the host nation of any SOFAs we have. We hand over to Japan more than two-thirds of the cases and in Germany it has been one-tenth of one percent, and in the last year, not at all."¹³² It is imperative that the USFJ use every opportunity to present the facts surrounding USFJ incidents and explain how the SOFA applies in such situations.

At the tactical level, it is important for USFJ military commanders and those that they command to have a broad view and good understanding of the impact of USFJ crimes and accidents. This will help ensure that every possible step is taken to thwart incidents from occurring or recurring. At the strategic level, the United States should take rapid and proactive versus reactive actions to mitigate damage to public opinion and ultimately U.S. foreign policy goals. It is

¹³¹ Eldridge, *The Okinawa "Base Problem" Today*.

¹³² Funabashi, *Alliance Adrift*, 306.

well-documented that U.S. Forces Japan military and civilian personnel do not commit a disproportionate amount of crime in Japan. This fact should be used to revalidate positive community contributions, participations and interfaces in order to foster the “buy-in” required for the USFJ to become an integral part of the local community.

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